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Decision

Matter of: Chemonics International, Inc.

File: B-409346.3; B-409346.5; B-409346.7; B-409346.8

Date: December 11, 2014

Eric J. Marcotte, Esq., Kevin P. Connelly, Esq., Jacob W. Scott, Esq., Kelly E. Buroker, Esq., and Kyle E. Gilbertson, Esq., Vedder Price, P.C., for the protester. Richard B. O’Keeffe, Jr., Esq., William A. Roberts, III, Esq., and Gary S. Ward, Esq., Wiley Rein LLP, for AECOM International Development, Inc.; Robert Nichols, Esq., Nooree Lee, Esq., Kayleigh Scalzo, Esq., and Catlin M. Meade, Esq., Covington & Burling LLP, for Development Alternatives, Inc.; and Holly A. Roth, Esq., Lystra Batchoo, Esq., David E. Frulla, Esq., and Elizabeth C. Johnson, Esq., Kelley Drye & Warren LLP, for Tetra Tech ARD; the intervenors. R. Rene Dupuy, Esq., and Scott Risner, Esq., United States Agency for International Development, for the agency. Noah B. Bleicher, Esq., and Nora K. Adkins, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency’s evaluation of proposals under the solicitation’s technical factors is denied where the record shows that the agency fully considered the protester’s and awardees’ proposals, reasonably assigned weaknesses where warranted, and did not treat offerors disparately.
 2. Protest challenging the agency’s past performance evaluation is denied where the agency reasonably evaluated the protester’s and awardee’s past performance; agency was not required to consider various public reports that allegedly contained adverse past performance information of the awardees.
 3. Protest of the agency’s best-value determination is denied where the source selection authority’s cost/technical tradeoff was adequately documented, consistent with the solicitation’s evaluation criteria, and otherwise unobjectionable.
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DECISION

Chemonics International, Inc., of Washington, D.C., protests the award of contracts to AECOM International Development, Inc., of Arlington, Virginia; Development

Alternatives Inc. (DAI), of Bethesda, Maryland, and Tetra Tech ARD, of Burlington, Vermont, pursuant to request for proposals (RFP) No. SOL-OAA-13-000033, issued by the United States Agency for International Development (USAID) for services and technical support to assist USAID in achieving its goals and objectives related to water. Chemonics challenges the agency's evaluation of the offerors' technical proposals, objects to numerous aspects of the agency's past performance evaluation, contends the agency engaged in misleading discussions, and argues that the agency made a flawed best-value award determination.

We deny the protest.

BACKGROUND

In April 2013, USAID published its first global Water and Development Strategy, which provided the framework for the agency's approach to water programming. Agency Report (AR), Tab 8, USAID Water and Development Strategy, at 1-29. Specifically, the strategy focuses on efforts to improve access to water, sanitation, and hygiene (WASH), as well as improved food security. Id. at 1. To this end, the strategy identifies two strategic objectives: (1) to "[i]mprove health outcomes through the provision of sustainable WASH[;]" and (2) to "[m]anage water for agriculture sustainably and more productively to enhance food security." Id. at 1-2.

The solicitation at issue here is USAID's "sole central mechanism" to support the new water strategy. RFP at 14. Published on May 13, 2013, the RFP contemplated the award of multiple indefinite-delivery, indefinite-quantity (IDIQ) contracts for "cross-cutting services in the water sector" in 11 technical areas, including data collection and management, strategic planning and program design, capacity building and institutional strengthening, and water and food security support. Id. at 3, 14, 15-23. Under the contracts--referred to as the water and development IDIQs (WADI)--USAID bureaus and missions would place fixed-price or cost-plus-fixed-fee task orders that "reflect the Agency's strategic direction and focus on water programming." Id. at 3, 14. The RFP provided for "approximately five" contracts with two reserved for small businesses.¹ Id. at 14, 111. The combined, overall value of the WADI procurement was \$1 billion, and the RFP provided that each contract would be awarded for a 5-year period of performance. Id. at 3, 33.

The RFP provided that awards would be made on a best-value basis considering cost/price and the following five technical evaluation factors: (1) sample project design; (2) past performance; (3) consortium technical capability; (4) corporate/institutional capability and management; and (5) participation of U.S. small and disadvantaged business (SDB) concerns, non-governmental organizations (NGOs),

¹ The agency reserved the right to award more or less contracts than the five anticipated under the solicitation. RFP at 111.

and local organizations. Id. at 124-26. As outlined below, each technical factor included numerous subfactors. Id. Pursuant to the RFP, the sample project design and past performance factors were of equal weight and were “the most important” of the technical factors. Id. at 124. Factors 3 and 4--consortium technical capability and corporate/institutional capability and management--were of equal weight and were more important than factor 5, participation of SBD concerns, NGOs, and local organizations. Id. The RFP further stated that all technical evaluation factors, when combined, were “significantly more important than cost/price.” Id.

Evaluation Factors

With respect to the sample project design factor, the RFP instructed offerors to submit project designs (of no more than 10 pages) that described the offeror’s “approach to achieving the desired results” discussed in a sample performance work statement (PWS) for an illustrative task order that was included with the solicitation. Id. at 115; id., attach. J.4, Sample Project Design for Illustrative Task Order, at 136-39. Specifically, the RFP’s hypothetical order sought to address various development challenges in Ethiopia and to contribute to achieving the strategic objectives of the agency’s Water and Development Strategy in the African nation. Id. In this regard, the sample PWS indicated that the proposed program should be “sustainable in the long-term, should achieve transformative impact for the Ethiopian people, and local interventions should be able to be brought quickly to scale at a national level.” Id. at 139. Pursuant to the factor, the RFP identified numerous items that offerors were to address in their project designs, such as how the approach adopts the tenets of integrated water resources management; the components and the sequencing of the work; the first year of work with targets and major outputs; and how the approach addresses gender issues and women’s empowerment in the water sector. Id. at 115-16.

The RFP identified three equally-weighted sample project design evaluation subfactors. Id. at 124. First, the agency would assess the “[d]emonstrated contribution of the development hypothesis to achieving the Strategic Objectives of the Water and Development Strategy, including the extent to which the approach is driven by the tenets of integrated water resources management and the demonstrated sustainability of the approach beyond the lifetime of the project.” Id. Next, the agency would consider the “[c]larity, feasibility and effectiveness of the components and sequencing of work, complete with a results framework, targets, indicators, outputs, and a Monitoring and Evaluation Plan that is unbiased, transparent, and consistent with sound methodological standards.” Id. Finally, the agency would evaluate the “[d]emonstrated effectiveness of [the] approach to address issues around gender equality and women’s empowerment in the water sector.” Id.

With respect to the past performance factor, the RFP instructed offerors to submit for review up to five of the “most recent and relevant contracts for efforts similar to

this requirement,” for itself and each major subcontractor.² Id. at 116. Using a template included with the solicitation, offerors were to identify past performance references for these projects, describe the contract, and include a “short explanation and the corrective action taken” for any problems encountered during performance. Id.; id., attach J.2, Contractor Performance Report at 1. In addition, the RFP advised offerors that USAID may use past performance information obtained from sources other than those identified by the offeror. Id. at 116. In doing so, the solicitation stated that the agency would “determine the relevance of similar past performance information.” Id.; see also id. at 125 (providing that the agency would review past performance information “determined to be relevant in terms of size, scope and complexity”) (underline in original). The RFP identified eight past performance evaluation subfactors including: quality of the product or service, cost controls, timeliness of performance, effectiveness of key personnel, and “degree of relevancy,” among others. Id. at 125. The RFP stated that degree of relevancy was the most important subfactor, and that the remaining subfactors were of equal weight. Id.

With respect to the consortium technical capability factor, the RFP instructed offerors to demonstrate their technical capability to perform the services identified in the RFP’s statement of work (SOW) and to “align water sector programs to the Agency’s strategic vision.” Id. at 117. The RFP identified three equally-weighted evaluation subfactors that the agency would consider under the consortium technical capability factor. Id. at 126. Under the first subfactor, USAID would assess the “depth and breadth of technical expertise and ability of consortium and teaming arrangements proposed to carry out the activities described in [the SOW].” Id. Under the second subfactor, USAID would consider the “ability to effectively develop local capacity by engaging local experts and entities, and monitor and evaluate success of capacity development activities.” Id. Under the third subfactor, USAID would review the offeror’s “ability to develop, recognize, and/or apply innovative solutions and to utilize ‘cutting-edge’ science, technical tools, and expertise to overcome barriers that limit the progress of development.” Id.

With respect to the corporate/institutional capability and management factor, the RFP instructed offerors to “demonstrate the institutional and management capabilities to perform and/or subcontract the services set forth in [the SOW] and to simultaneously manage the administrative, financial and technical components of multiple task orders drawing upon the full range of skills and experience available under contractual arrangements.” Id. at 117. More specifically, the RFP instructed offerors to describe various aspects of their capability and management, such as the offeror’s ability to assemble “high quality technical assistance teams,” the firm’s management structure, the proposed IDIQ manager’s qualifications, and the firm’s

² The RFP defined a major subcontractor as one expected to perform at least 20 percent of the technical effort under the solicitation. RFP at 116.

capability in designing and implementing small grant programs to support a larger program goal or activity. Id. at 117-18. In addition, offerors were to describe the formal relationship between the firms in their consortium. Id. at 118. Under the factor, the agency would evaluate four equally-weighted subfactors. Id. at 126. The first subfactor focused on the offeror's "ability to manage complex projects, to work with various teams, to assemble and place teams in a timely manner, to support them in the field, to effectively develop and enforce quality and cost control assurance measures with consortium and team members." Id. The second subfactor considered the "ability of [the] IDIQ Manager to meet the qualifications and effectively complete the activities included in [the SOW]." Id. The next subfactor reviewed whether the offeror demonstrated the "capability to simultaneously manage multiple task orders involving collaborative efforts drawing upon the full range of available skills and experience available under contractual arrangements, including grants management." Id. The fourth subfactor assessed the offeror's "ability to engage stakeholders, to build and maintain relationships with host country counterparts, and to collaborate with donors." Id.

Finally, pursuant to the last technical factor, the RFP instructed offerors to describe how SBD concerns, NGOs, and local organizations would participate in the contract. Id. at 118. The RFP further instructed offerors to provide targets for participation of these entities. Id. In evaluating proposals under this factor, the agency anticipated reviewing the extent of planned participation of these groups in terms of the targets, complexity, and variety of the work, as well as the realism of the proposal. Id. at 126.

With respect to cost/price, the RFP instructed offerors to submit a detailed cost proposal and level of effort (LOE) chart based on the illustrative task order included with the solicitation. Id. at 119; see id., attach. J.4, Sample Project Design for Illustrative Task Order, at 136-39. The RFP advised that offerors were to use their technical approach to the illustrative task order--evaluated under the sample project design factor--to determine the LOE for each labor category during the hypothetical 5-year period of performance. Id. The RFP provided that USAID would conduct a price analysis to determine if proposed fixed prices were reasonable. Id. at 127. For the proposed illustrative task order prices, the RFP advised that USAID would conduct a cost realism analysis to determine whether the proposed prices were realistic for the work to be performed, reflected a clear understanding of the requirements, and were consistent with the "unique methods of performance set forth in the offeror's technical proposal and budget narrative." Id.

Proposal Submission and Evaluation

Prior to the July 3, 2013, deadline for the submission of proposals, USAID received offers from 16 firms, including from the protester and the awardees. AR, Tab 34, Source Selection Decision Document (SSDD), at 2. A 4-person USAID technical evaluation committee (TEC) reviewed the proposals and identified strengths, weaknesses, significant weaknesses, and deficiencies. AR, Tab 33, TEC Memorandum, at 1. Following its initial evaluation, the TEC established a competitive range of the nine top-ranked offers. Id.; Contracting Officer's (CO) Declaration at 3. Chemonics' proposal was initially excluded from the competitive range. CO Declaration at 4. On December 13, the firm protested its exclusion to our Office. Id. In response to the protest, the agency took corrective action and added Chemonics' proposal to the competitive range. AR, Tab 24, Notice of Corrective Action Regarding Chemonics, at 1. Based on USAID's corrective action, our Office dismissed Chemonics' original protest as academic. Chemonics Int'l, Inc., B-409346, January 7, 2014.

USAID conducted discussions with the ten competitive range offerors, during which the agency provided each offeror with a comprehensive list of the weaknesses, significant weaknesses, and deficiencies identified during the initial proposal review. CO Declaration at 3-4; AR, Tab 25, Request for Chemonics FPR, at 1-7. Final proposal revisions (FPRs) were submitted in January 2014. CO Declaration at 4. The TEC evaluated FPRs and developed final consensus ratings for each proposal. AR, Tab 33, TEC Memorandum, at 6. Specifically, the TEC's final consensus overall ratings and the technical rankings for the awardees and the protester were as follows:³

		Tetra Tech	AECOM	DAI	Chemonics
Technical Factors					
	Sample Project Design	Excellent	Very Good	Very Good	Satisfactory
	Past Performance	Very Good	Very Good	Very Good	Satisfactory
	Consortium Technical Capability	Very Good	Very Good	Very Good	Satisfactory
	Corporate/Institutional Capability and Management	Very Good	Very Good	Very Good	Very Good

³ The TEC assessed the technical proposals as excellent, very good, satisfactory, or unsatisfactory. AR, Tab 33, TEC Memorandum, at 5-6.

Participation of SBD Concerns and NGOs	Excellent	Very Good	Satisfactory	Very Good
Overall Technical Ranking⁴	1	2	3	8
Evaluated Price (Illustrative Task Order)	\$9,423,431	\$5,664,513	\$7,571,679	\$6,316,271

AR, Tab 33, TEC Memorandum, at 7; Tab 34, SSDD, at 6.

In its 67-page consensus report, the TEC documented the evaluators' findings under each factor and subfactor for each offeror. AR, Tab 33, TEC Memorandum, at 9-64. For instance, the TEC report highlights various positive features of Chemonics' sample project design. *Id.* at 53-55. Under factor 1, the TEC commented that the development hypothesis of Chemonics' design "was much improved [in its FPR] and included the essential components for success" and that Chemonics emphasized "[deleted]." *Id.* at 53-54. Also noteworthy was that "[deleted]." *Id.* at 55. However, the TEC also documented various weaknesses in Chemonics' sample project design, such as that the sequencing of activities was unrealistic and that the "ambitious [deleted] approach does not explain how the poor rural households will afford the sanitation and hygiene technology." *Id.* at 54. The TEC concluded that performance under each sample project design subfactor was "anticipated to be at average risk of disruption of cost, schedule or performance," and the TEC assigned Chemonics' proposal a satisfactory rating for each subfactor and for the factor overall. *Id.* at 54-55.

The TEC reached similar conclusions under the other technical factors. For the second most important factor, past performance, the TEC documented its findings under each of the eight subfactors, and rated Chemonics' proposal as satisfactory under five of the them--including degree of relevancy, the most important subfactor--and very good under the remaining three subfactors. *Id.* at 55-59. Under the third factor--consortium technical capability--the TEC identified areas that "were not sufficiently addressed" in Chemonics' FPR and rated the proposal satisfactory under each of the three subfactors. *Id.* at 59-61. As demonstrated above, the TEC rated Chemonics' proposal as very good under factors 4 and 5. *Id.* at 61, 63.

Source Selection Decision

On August 4, the agency source selection authority (SSA), who also served as the contracting officer, prepared a source selection decision in which he documented his cost/technical tradeoff. AR, Tab 34, SSDD, at 1-61. The SSDD established that the SSA reviewed the TEC's memorandum, agreed with the TEC's analysis,

⁴ The overall technical rankings combine large and small business offerors.

summarized the results of the technical and price evaluations for each offeror, and then conducted a tradeoff analysis. *Id.* at 60; *See, e.g., id.* at 17-18, 38-45, 52-53 (discussing Chemonics' proposal). Specifically, the SSA compared the TEC's findings for each proposal, including a discussion of the strengths and weaknesses, with the findings of the other offers. Following this assessment, the SSA concluded that Chemonics' proposal (which was ranked 8th technically) was the seventh best value among all offerors and that Tetra Tech, AECOM, and DAI were the "most highly-rated offerors." *Id.* at 22, 60. USAID executed contracts with these three firms--and with three small business awardees--on August 19 and 20.⁵ *Id.* at 61.

On August 20, 2014, Chemonics learned that its proposal was not selected for award. AR, Tab 38, USAID Award Notification Letter to Chemonics, at 1. Chemonics requested and received a written debriefing in which the agency provided a summary of the various weaknesses in Chemonics' FPR and the agency's rationale for award. AR, Tab 43, Chemonics' Post-Award Debriefing, at 1-5. This protest followed.

DISCUSSION

In its protest submissions, Chemonics challenges every negative evaluation finding documented in the TEC's memorandum. In nearly every instance, Chemonics complains that the agency improperly evaluated its proposal and/or applied a different standard in its evaluation of Chemonics' proposal as compared to the awardees'. Chemonics also objects to the agency's discussions and challenges the source selection decision. We have considered all of Chemonics' arguments and find that none provides a basis to sustain the protest.⁶ We discuss some of Chemonics' challenges below.

⁵ The small business awards were not challenged by the protester.

⁶ For example, Chemonics protests USAID's conduct of discussions, arguing that the agency failed to advise the protester of weaknesses identified in its FPR that, according to the protester, were apparent in its initial proposal. Protest (Sept. 5, 2014) at 13. In negotiated procurements, whenever discussions are conducted by an agency, they are required to be meaningful, equitable, and not misleading. Vectronix, Inc., B-407330, Dec. 19, 2012, 2013 CPD ¶ 13 at 8. However, where a weakness is first introduced in an offeror's FPR after discussions were concluded, the agency has no obligation to reopen discussions to address the new weakness. The Boeing Co., B-409941, B-409941.2, Sept. 18, 2014, 2014 CPD ¶ 290 at 9; Smiths Detection, Inc., B-298838, B-298838.2, Dec. 22, 2006, 2007 CPD ¶ 5 at 13 n.13. Here, the record shows that the three specific weaknesses Chemonics points to were assigned to areas of its proposal that were substantially different from what was initially submitted. For example, the TEC assigned Chemonics' FPR a weakness for certain aspects of its sample project design, and the record shows that Chemonics submitted a "completely revised" sample project design in its FPR.

(continued...)

In reviewing a protest against an agency's evaluation of proposals, our Office will not reevaluate proposals but instead will examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. IPlus, Inc., B-298020, B-298020.2, June 5, 2006, 2006 CPD ¶ 90 at 7, 13; Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's disagreement with an agency's judgment in evaluating proposals is insufficient to establish that the agency acted unreasonably. VT Griffin Servs., Inc., B-299869.2, Nov. 10, 2008, 2008 CPD ¶ 219 at 4; Birdwell Bros. Painting & Refinishing, B-285035, July 5, 2000, 2000 CPD ¶ 129 at 5.

Technical Evaluation

Chemonics asserts that every weakness assigned to its technical proposal by the TEC was improper. In each instance, Chemonics argues that the agency either ignored information in the firm's proposal, conducted its evaluation in a disparate manner, or both. We disagree.

For example, Chemonics protests one of the weaknesses assigned to its proposal under the sample project design factor. Under this factor, the RFP instructed

(...continued)

AR, Tab 33, TEC Memorandum, at 53. Thus, the protester's complaints that the agency should have previously discussed weaknesses that the TEC identified in its FPR are without merit.

In addition, in a supplemental filing Chemonics alleges that USAID failed to consider whether AECOM received an unfair competitive advantage in the procurement through its employment of the former director of USAID's Office of Water--the office responsible for the WADI procurement. Protest (Sept. 22, 2014) at 2. With respect to this allegation, in response to the agency's report Chemonics stated as follows:

Many facts regarding [the former director's] interactions with evaluation team members and involvement in developing USAID's preferences concerning the procurement are still vague and the unfettered license to join AECOM's proposal team remains disturbing. However, absent additional information, Chemonics cannot effectively pursue this ground of protest further.

Protest (Oct. 14, 2014) at 3 n.3. Chemonics does not include any additional, meaningful response on this topic in its protest submissions. Consequently, we therefore consider this issue abandoned, and it will not be addressed further. See IntegriGuard, LLC d/b/a HMS Federal-Protest & Recon., B-407691.3, B-407691.4, Sep. 30, 2013, 2013 CPD ¶ 241 at 4.

offerors to submit their design responding to the sample PWS included in the RFP. RFP at 115. As discussed above, offerors' project designs were to discuss a number of different areas, including "how the approach is sustainable beyond the lifetime of the project." Id. In its FPR, Chemonics discussed the establishment of "[deleted] . . . for sustainable delivery of WASH solutions," among other approaches. AR, Tab 29, Chemonics Technical Proposal, Section I, at 1. Chemonics explained that it would "identify and select sanitation technologies that meet [communities'] specific needs." Id. at 7. The offeror noted that one of its consortium partners would "evaluate barriers to latrine expansion and develop more affordable, gender friendly, locally sourced options that enable families to have access to improved sanitation." Id. at 8. Chemonics also discussed, for example, "[deleted]." Id.

In its review of Chemonics' sample project design, under subfactor 1, the TEC recognized the protester's "ambitious [deleted] approach," but expressed concern that the offeror did "not explain how the poor rural households will afford the sanitation and hygiene technology." AR, Tab 33, TEC Memorandum, at 54. The TEC noted as a weakness the following: "There is no significant discussion of how families would finance sanitation improvements or what would be the motivation to invest. Therefore, the plan seems somewhat unrealistic and not sustainable." Id. Based on the entirety of Chemonics sample project design, the TEC concluded that performance under subfactor 1 was "anticipated to be at average risk of disruption of cost, schedule or performance," and a satisfactory rating was assigned.⁷ Id.

Chemonics complains that the TEC ignored the contents of its proposal, and that the firm "comprehensively discussed means for addressing the finance of household sanitation improvement." Protest (Oct. 14, 2014) at 15. Specifically, the protester points to various statements in its proposal in an attempt to refute the weakness, such as its plan to develop "[deleted] for sanitation goods and services . . . to ensure [a] reliable supply of affordable hygiene and sanitation goods and services." Id. at 16, quoting AR, Tab 29, Chemonics Technical Proposal, Section I, at 7. Similarly, Chemonics emphasizes its proposal to "[deleted]" with [deleted] "to examine possibilities to serve Ethiopia's bottom-of-the-pyramid with hygiene and storage products that meet their needs at prices they can afford." Id., quoting AR, Tab 29, Chemonics Technical Proposal, Section I, at 8. The firm also points to efforts to work with various [deleted] to "develop sustainable WASH [deleted]." Id. The agency acknowledges that the information highlighted by Chemonics' "states a plan to examine the issue, and to design appropriate solutions." CO Declaration at 7. However, notwithstanding the proposal's general discussion of the

⁷ Chemonics' proposal was initially rated unsatisfactory under this subfactor, but the TEC determined that the firm's FPR, which included a completely revised sample project design, "addressed many of the weaknesses identified in the initial proposal review." AR, Tab 33, TEC Memorandum, at 54.

development of WASH [deleted], the agency counters that Chemonics failed to “explain what those [deleted] would be, or how they would work.” Id. at 8; see AR, Tab 29, Chemonics Technical Proposal, Section I, at 8. Moreover, the agency notes that, regardless of the financing options, “it is not clear how it would be feasible for poor or extremely poor families to make an investment of approximately two months of an adult’s wages (on average).” CO Declaration at 8. In this regard, the agency highlights that Chemonics’ primary tool to meet sanitation goals discussed in the sample PWS was a “low-cost,” [deleted]. Supp. CO Declaration at 1; see AR, Tab 29, Chemonics Technical Proposal, Section I, at 7-8; see also RFP, attach. J.4, Sample Project Design for Illustrative Task Order, at 139 (establishing a target of “10 to 15 percent increase in the population with access to improved sanitation facilities”). The agency explains that at [deleted], Chemonics’ [deleted] is “very, and perhaps prohibitively, expensive for poor . . . or extremely poor . . . households.” CO Declaration at 8; Supp. CO Declaration at 1-2. The agency further notes:

Although Chemonics offers a vague statement that they will work to make WASH [deleted] available, there is no information contained in the sample project design that speaks to the feasibility or the long-term sustainability of this approach Additionally, it’s not clear how effective their proposed interventions will be at motivating households to make such an investment.

Supp. CO Declaration at 2.

In addition to these few examples, the record includes even further clarification as to the basis for the weaknesses assigned. See id.; see also Supp. AR (Oct. 24, 2014) at 7-8. While Chemonics disagrees with the agency’s rationalizations, arguing that its [deleted] was only “one concrete example,” it has not demonstrated that the agency’s conclusions were unreasonable. See Comments (Oct. 29, 2014) at 33. Under this subfactor the evaluators were assessing the “sustainability of the approach,” RFP at 124, and the record reflects that the TEC reasonably determined that Chemonics’ sample project design was simply “not sustainable.” AR, Tab 33, TEC Memorandum, at 54. Consequently, we have no basis to question the TEC’s assignment of a satisfactory rating to Chemonics’ proposal under subfactor 1 of the sample project design factor.

Chemonics also objects to the agency’s evaluation under this factor on the basis that, according to the protester, “[n]one of the awardees addressed any specific means by which rural families would [deleted].” Protest (Oct. 14, 2014) at 16-17. Because the awardees were assigned higher ratings under the subfactor, the protester argues that the agency improperly treated offerors disparately. Id. at 17-18.

Chemonics complaints in this respect are not supported by the record. In this regard, the RFP contemplated that each offeror would provide its own unique solution to the hypothetical task order outlined in the solicitation and different approaches to meeting the goals enumerated in the sample PWS. RFP at 115; id., attach. J.4, Sample Project Design for Illustrative Task Order, at 139. As the agency notes, Chemonics chose to address the PWS's sanitation targets among the poor in Ethiopia by proposing, among other things, the use of a low-cost [deleted]; the awardees did not. Supp. AR (Oct. 24, 2014) at 7. More specifically, "Tetra Tech proposed to accelerate the [deleted] in water and sanitation and strengthening [deleted]." Id. at 8; see also AR, Tab 32, Tetra Tech Technical Proposal, at A-2, A-9. The agency explains that "AECOM proposed to build [deleted] in WASH, demonstrating [deleted], and [deleted]." Supp. AR (Oct. 24, 2014) at 8; see also AR, Tab 30a, AECOM Technical Proposal, at 1-5, 1-7. DAI, the agency summarizes, "proposed to undertake a [deleted], increase the prevalence of [deleted], and link to [deleted]." Supp. AR (Oct. 24, 2014) at 8; see also AR, Tab, 31, DAI Technical Proposal, at G. Thus, the record is clear that, unlike Chemonics', the awardees' approaches did not focus on a [deleted] system for delivery of sanitation goods and services, such as low-cost [deleted]. In this regard, the TEC's evaluation under factor 1, and its assignment of strengths and weaknesses, assessed diverse and dissimilar approaches such that the basis for a weakness under one proposal had little correlation to a different proposal.

More specifically, as detailed above, Chemonics' proposal was assigned a weakness because a central element of its approach was deemed not sustainable; it was not clear to the TEC that "poor people (earning 36 cents a day) would be able or motivated to [deleted]." Supp. AR (Oct. 24, 2014) at 8. Similar weaknesses were not assessed to the awardees' proposals because their approaches were different, and, as the agency underscores, their sample project designs were "superior and similar feasibility or sustainability concerns were not identified." Id. Ultimately, the TEC assigned the awardees higher consensus ratings under factor 1 because the awardees offered "stronger proposal[s]" with multiple strengths that "exceeded the government's requirements." Id. at 9-10. On this record, we are not persuaded by the protester's assertion that its weakness is the result of unequal treatment by the TEC.

As another example, Chemonics protests a weakness assigned under the corporate/institutional capability and management factor. Protest (Oct. 14, 2014) at 34. Under factor 4, the RFP instructed offerors to "demonstrate the institutional and management capabilities to perform and/or subcontract the services set forth in [the SOW] and to simultaneously manage the administrative, financial and technical components of multiple task orders drawing upon the full range of skills and experience available under contractual arrangements." RFP at 117-18. As relevant here, the agency was to evaluate proposals under subfactor 2 as follows: "Demonstrated ability of IDIQ Manager to meet the qualifications and effectively complete the activities included in [the SOW]." Id. at 126. The TEC considered

Chemonics proposed IDIQ manager and found that he was “an experienced IDIQ manager that has experience in water resources and agriculture.” AR, Tab 33, TEC Memorandum, at 62. The TEC noted that the individual met the “minimum government requirements as specified in the SOW.” Id. However, the TEC also identified as a weakness that Chemonics’ proposed IDIQ manager “does not appear to have significant WASH experience, which could limit his effectiveness as the individual bearing primary responsibility for technical aspects of contract performance as required [by] the RFP.”⁸ Id. The TEC rated Chemonics’ proposal satisfactory under the subfactor. Id.

The protester complains that the RFP did not expressly require significant WASH experience, and, in any event, Chemonics contends that it demonstrated that its proposed manager had a “unique perspective on both WASH and water for food security.” Protest (Oct. 14, 2014) at 35, quoting AR, Tab 29, Chemonics Technical Proposal, Section IV, at 11. In addition, Chemonics points to its proposed manager’s resume--included in its proposal--in which the individual describes himself as a “[deleted].” AR, Tab 29, Chemonics Technical Proposal, Annex D, at 1. The protester also points out that three experiences in its proposed manager’s resume mention the terms water or waste management. Comments (Oct. 29, 2014) at 48; see AR, Tab 29, Chemonics Technical Proposal, Annex D, at 1-2. Chemonics further complains that the agency did not express similar concerns with respect to either AECOM’s or DAI’s proposed IDIQ managers. Protest (Oct. 14, 2014) at 36.

Contrary to the protester’s assertion, as noted above, the agency acknowledged that Chemonics’ IDIQ manager met the RFP’s minimum requirements. See AR, Tab 33, TEC Memorandum, at 62. Indeed, the TEC credited the individual’s water resources management and agriculture experience. Id. However, the agency makes clear that “WASH is a key component of the WADI procurement” and “[h]aving a unique perspective and having [WASH] experience are two different things.” Supp. AR (Oct. 24, 2014) at 31. In this regard, the agency maintains that the weakness was assigned because Chemonics’ proposal did not identify any “tangible project experience in WASH.” Id. at 33; Supp. CO Declaration at 9. The agency contends that having a few items on a proposed manager’s resume that mention water does not render unreasonable the agency’s conclusion that the individual lacked “significant” water, sanitation and hygiene experience.

⁸ The RFP required that the IDIQ manager “be knowledgeable about the overall technical, administrative and logistical responsibility for the effective, efficient, and timely implementation of all activities undertaken by the contractor. S/he must have demonstrated experience managing projects of a similar size and scope in an international context.” RFP at 28.

As examples of “tangible” WASH experiences, the agency points to the awardees’ proposed IDIQ managers. Supp. AR (Oct. 24, 2014) at 32. For instance, AECOM’s proposed manager had experience on two related projects, one involving “[deleted]” and another that focused on [deleted]. Id.; see also AR, Tab 30b, AECOM Technical Proposal, at 5-1. Likewise, DAI’s proposed manager had WASH experience on three projects: one involving [deleted], another focusing on [deleted], and the third involving [deleted]. Supp. AR (Oct. 24, 2014) at 33; see also AR, Tab 31, DAI Technical Proposal, at 14, F-1–F-2. On this record, we disagree with the protester’s contention that it was treated disparately in this area.

Moreover, notwithstanding the protester’s objections, the notion that it was improper to consider WASH experience in a procurement for services aimed, in part, at improving “health outcomes through the provision of sustainable water, sanitation, and hygiene (WASH)” is unavailing. See RFP at 13. In this regard, consideration of proposed IDIQ managers’ WASH experiences is logically encompassed by, or reasonably related to, the stated evaluation criteria under subfactor 2, discussed above. See Design Eng’g, Inc., B-408336.3, May 6, 2014, 2014 CPD ¶ 144 at 7. More specifically, the RFP stated that IDIQ managers had “primary responsibility for technical aspects of contract performance,” and the agency was required to evaluate proposed IDIQ managers’ ability to “meet the qualifications and effectively complete the activities” identified in the solicitation’s SOW. RFP at 27, 126. Thus, it was not unreasonable for the TEC to consider WASH experience here.

Though not detailed above, we have considered each of Chemonics’ other objections to the agency’s technical evaluation and find them equally unpersuasive. Consequently, the protester has furnished no basis for our Office to question the evaluation of technical proposals.

Past Performance

Next, Chemonics challenges the agency’s evaluation of proposals under the past performance factor. Specifically, the protester complains that the evaluators “cherry picked negative information” and unreasonably considered Chemonics’ effort on two projects in particular. Protest (Oct. 14, 2014) at 23. Chemonics also challenges the agency’s evaluation of the awardees’ past performance, arguing that the agency ignored adverse past performance information. Id. at 24; Protest (Oct. 27, 2014) at 10. We find that Chemonics’ past performance challenges do not demonstrate an unreasonable evaluation or otherwise provide a basis to sustain the protest.

The evaluation of an offeror’s past performance, including the agency’s determination of the relevance and significance of an offeror’s performance history, is a matter of agency discretion, which we will not find improper unless it is inconsistent with the solicitation’s evaluation criteria. CLS Worldwide Support Servs., LLC, B-405298.2 et al., Sept. 11, 2012, 2012 CPD ¶ 257 at 15; Nat’l Beef Packing Co., B-296534, Sept. 1, 2005, 2005 CPD ¶ 168 at 4. In addition, the

relative merits of an offeror's past performance information is generally within the broad discretion of the contracting agency. See Paragon Tech. Group, Inc., B-407331, Dec. 18, 2012, 2013 CPD ¶ 11 at 5. A protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. FN Mfg., LLC, B-402059.4, B-402059.5, Mar. 22, 2010, 2010 CPD ¶ 104 at 7.

As discussed above, the RFP identified 8 subfactors under which offerors' past performance would be assessed, with degree of relevancy (subfactor 8) being the most important. RFP at 128. In evaluating past performance, the RFP provided that the agency would consider relevant past performance submitted by the offerors--in terms of size, scope, and complexity--as well as past performance information identified by USAID. Id. at 116. In this regard, the record shows that the TEC relied on reports in the past performance information retrieval system (PPIRS) in addition to the references and narratives submitted in proposals. AR, Tab 33, TEC Memorandum, at 2; Supp. CO Declaration at 4. More specifically, the TEC reviewed PPIRS reports associated with the projects that offerors identified in proposals, if such reports were available.⁹ AR, Tab 33, TEC Memorandum, at 2. The TEC also considered "the three most recent reports . . . on each prime offeror in order to view general trends in contractor performance." Id. The TEC explained that it relied on the PPIRS reports to assess past performance under subfactors 1-6, and the evaluators rated proposals under subfactors 7 and 8 based on the narrative information provided in the proposals. Id.

In its FPR, Chemonics submitted for review five of its prior projects and another five performed by one of its subcontractors.¹⁰ AR, Tab 29, Chemonics Technical Proposal, at A-1-A-20. The record shows that the agency identified six reports for Chemonics in the PPIRS--three reports tied to projects Chemonics submitted for review, and three reports not submitted by Chemonics but identified as the most recent PPIRS reports available at the time the information was gathered in July 2013. AR, Tab 45, PPIRS Reports, at 1-32. The TEC reviewed the past performance information and, for subfactors 1-6, began with initial ratings based

⁹ If the prime offeror submitted information on a project that did not have a report in the PPIRS, the agency explains that the reference was contacted to verify past performance information. Supp. CO Declaration at 5. The agency considered narrative statements obtained from the reference checks to be of equal weight to the narrative statement in the PPIRS reports. Id.

¹⁰ In response to a weakness assigned to its proposal under the agency's initial evaluation, Chemonics substituted two new projects in its FPR. Despite the protester's assertions to the contrary, the record demonstrates that this updated information was considered by the TEC. See Supp. AR (Nov. 5, 2014) at 4. Indeed, the original weakness was removed in the final evaluation results.

solely on the average of the adjectival ratings assessed in the PPIRS reports.¹¹ AR, Tab 33, TEC Memorandum, at 2; id., Annex 1, Past Performance PPIRS Summary Table. Then, the TEC reviewed the underlying narratives and, where necessary, made adjustments to the initial ratings based on the narratives. AR, Tab 33, TEC Memorandum, at 2. For example, under subfactor 3 (timeliness of performance), Chemonics' PPIRS reports reflected ratings of excellent, very good (for two projects), satisfactory (for two projects), and marginal,¹² which resulted in the TEC initially considering the proposal as very good under the subfactor. Id. at 122. However, the TEC determined that the underlying narrative statements in the reports "did not necessarily support this rating." Id. at 57. In reaching this conclusion, the TEC referred to Chemonics' performance on two recent projects: USAID's Strengthening Tuberculosis Control in Ukraine (STBCU) project and USAID's Enhance Climate Resiliency and Water Security in Maldives project (referred to as "Maldives global climate change (GCC)" project). Id.; see AR, Tab 45, PPIRS Reports, at 1, 7. The TEC noted that "timeliness requirements were not always met" on the STBCU project and "several first year deliverables were late" on the Maldives GCC project. AR, Tab 33, TEC Memorandum, at 57. Therefore, the TEC assigned Chemonics' proposal a satisfactory rating under past performance subfactor 3. Id. The record shows that the TEC made a similar adjustment to Chemonics under subfactor 6 (effectiveness of key personnel), ultimately revising a very good rating to a satisfactory rating based, in part, on Chemonics' performance on the STBCU and Maldives GCC projects. Id. at 58.

With respect to the Maldives GCC project, Chemonics complains that the TEC "ignored the overwhelmingly positive review" in the report and focused instead on "a single negative comment" (for subfactor 3) and "a concern that has since been obviated" (for subfactor 6). Protest (Oct. 14, 2014) at 23-24. The protester further complains that the agency "ignored more relevant recent information about Chemonics' performance." Id. at 23.

The PPIRS report for the Maldives GCC project demonstrates that the assessing official assigned Chemonics four very good ratings and one satisfactory rating (for schedule, subfactor 3). AR, Tab 45, PPIRS Reports, at 8. As explained above, the TEC considered these adjectival ratings as well as the underlying comments by the assessing official. See AR, Tab 33, TEC Memorandum, at 2. The protester accurately notes that some of the comments in the Maldives GCC report praise Chemonics' performance, but the narrative also includes negative feedback as well.

¹¹ In the PPIRS reports, contractors were rated under the same or similar criteria established in the RFP under subfactors 1-6. Compare RFP at 124 with AR, Tab 45, PPIRS Reports, at 2, 8, 13, 19, 24, 29.

¹² In the PPIRS reports, Chemonics had an opportunity to respond to the assessing officials' ratings and comments. E.g., AR, Tab 45, PPIRS Reports, at 4.

See, e.g., AR, Tab 45, PPIRS Reports, at 9 (“Interaction between USAID and the Contractor is professional, timely, and effective”); but see id. (“Several of these deliverables were submitted late when compared to the delivery schedule agreed upon in the Year 1 Work Plan” and Chemonics’ “Chief of Party (COP) managing this Task Order was not performing up to the standards expected by USAID”).

In its evaluation, the TEC considered the adjectival ratings and the positive comments, and, despite what Chemonics would have preferred, the TEC also took into account the negative feedback. See AR, Tab 33, TEC Memorandum, at 57-58 (rating Chemonics as satisfactory under subfactors 3 and 6). These negative comments, combined with similar comments in the STBCU PPIRS report, resulted in satisfactory ratings under subfactors 3 and 6. On this record, we find nothing improper in the agency’s consideration of the legitimate performance issues identified in the PPIRS reports it reviewed. Moreover, given that there is no general requirement that an agency continue to seek updated performance information once its past performance evaluation is complete, we find nothing objectionable in the agency’s failure to consider a more recent report that was not available to it at the time it performed the past performance evaluation. See, e.g., CMJR, LLC d/b/a Mokatron, B-405170, Sept. 7, 2011, 2011 CPD ¶ 175 at 8; (where evaluation completed in January and award not made until May, agency not required to consider a past performance report from March); MINACT, Inc., B-400951, Mar. 27, 2009, 2009 CPD ¶ 76 at 7 n.4 (where agency used the most recent information available at time of evaluation, there is no requirement that agency seek more recent information at time of source selection).

Chemonics raises additional objections to the agency’s past performance evaluation methodology. The protester complains that the TEC did not consider the relevancy of the projects (i.e., the reports pulled from PPIRS) that it reviewed for its evaluation under subfactors 1-6.¹³ Protest (Oct. 14, 2014) at 27; Comments (Oct. 29, 2014) at 8. The protester specifically criticizes the agency for considering the firm’s negative performance on the STBCU project because it was “wholly unrelated to

¹³ As discussed above, the TEC reviewed only the narrative past performance information provided by the offerors for its review under subfactors 7 (use of small businesses) and 8 (degree of relevancy). AR, Tab 33, TEC Memorandum, at 2. For its subfactor 8 evaluation, the TEC explained that “[p]rojects submitted in the past performance short forms and summary matrix [i.e., in proposals] were deemed to be relevant if they could be procured under the WADI SOW.” Id.; see also id. at 59 (concluding that “[t]he projects presented in Annex A [of Chemonics’ proposal] are relevant to the scope of services sought in Section C [of the RFP]”), 14 (concluding the same for Tetra Tech and noting that “[t]he [o]fferor presented projects in relevant [deleted]”). To the extent the protester complains about this methodology and the corresponding evaluation results under subfactor 8, we have considered these arguments and conclude that they are without merit.

providing water, sanitation, and hygiene development assistance.” Protest (Oct. 14, 2014) at 27; Comments (Oct. 29, 2014) at 4.

As discussed above, the RFP required the agency to evaluate past performance “determined to be relevant in terms of size, scope and complexity.” RFP at 125 (underline in original). The TEC concluded that the STBCU project was relevant and explained in detail that its conclusion was based upon aspects of the project that “involved improving access to services, improving quality of services, capacity building, and systems strengthening measures, among other activities, all of which are activities that will be required under WADI.” AR, Tab 33, TEC Memorandum, at 56. The TEC further explained that the project involved “similar elements” to the WADI procurement “in terms of engaging the international community, national and local governments, communities, beneficiaries, and other stakeholders and community engagement, managing a complex project in a foreign and complex developing country environment, while controlling costs, maintaining personnel in a dynamic difficult environment, meeting deliverables on-time, et cetera.” Id. The TEC also noted that the STBCU project’s \$17.9 million awarded value was “well above” the average task order ceiling under the predecessor water IDIQ contract. Id.; see also CO Declaration at 13 (noting that the fact that one project focuses on tuberculosis and the other on water and hygiene is “not determinative”).

While the protester maintains that the TEC’s explanation is clearly flawed, we find no basis for our Office to question the agency’s detailed relevancy determination here. In this regard, determinations of relevancy are within the sound discretion of the agency. McRae Indus., Inc., B-403335, Oct. 20, 2010, 2010 CPD ¶ 266 at 9. Thus, we conclude that it was not unreasonable for the agency to have considered Chemonics’ STBCU project as part of the TEC’s past performance evaluation.

Chemonics similarly objects to the relevancy of various projects considered by the TEC (via PPIRS reports) that reflect the awardees’ positive past performance. Comments (Oct. 29, 2014) at 8. Chemonics complains that “many have no connection to the scope of work called for under the WADI program.” Id. at 9. Contrary to the protester’s assertion, the record demonstrates that the TEC “only considered past performance information that was relevant and within the scope, complexity, and magnitude of the envisioned contract.” AR, Tab 33, TEC Memorandum, at 55. In its report, the agency provided additional clarity with respect to its relevancy considerations, explaining as follows:

USAID applied broad and informed discretion in determining which projects were relevant in terms of size, scope, and complexity: any size project could be procured under WADI; projects that involved managing a complex project in a foreign and complex developing country environment, while controlling costs, maintaining personnel in a dynamic difficult environment, meeting deliverables on-time, etc. were determined to be relevant in terms of complexity; projects that

involved activities identified in the WADI SOW not specific to the water sector, such as Data Collection and Management, Assessment and Analysis, Strategic Planning and Program Design, Capacity Building and Institutional Strengthening, Policy, Legal, Regulatory, and Institutional Program Support, Service Delivery Support, Knowledge Management, Monitoring and Evaluation, were determined to be relevant in terms of scope.

Supp. AR (Nov. 5, 2014) at 5 (internal citations omitted). The agency further explains, “USAID applied this broad interpretation of size, scope, and complexity so that general trends in contractor performance could be identified and so that the Agency could hold a fair and open competition with the widest Offeror pool possible, not just those who have worked for USAID in the water sector in the past.” *Id.* As an example, one of the projects the TEC considered that Chemonics challenges is DAI’s Strategies Against Flu Emergence (SAFE) project. Comments (Oct. 29, 2014) at 9. The agency explains that this project involved the establishment of “teaching farms” which provided farmers with an environment and tools to gain hands-on experience and collaborate with experts. Supp. AR (Nov. 5, 2014) at 8 (emphasis removed). As part of the program, DAI also developed educational and communication material to promote biosecurity and good farming practices that “lend to achieving better public health and improving business.” *Id.* at 8-9 (emphasis removed); see also AR, Tab 50, DAI PPIRS Reports, at 12. The agency maintains that DAI’s SAFE project was relevant to the WADI procurement because “the project involved building the capacity of farmers . . . an activity envisioned under . . . the WADI SOW.” Supp. AR (Nov. 5, 2014) at 9. Although the protester asserts that the agency overstepped its bounds in applying a broad relevancy standard, the protester’s disagreement with the agency’s approach does not demonstrate that it was unreasonable or otherwise objectionable.

Next, the protester argues that the evaluators failed to consider negative past performance information in the awardees’ PPIRS reports, as well as adverse information in public reports. Protest (Sept. 2, 2014) at 37; Protest (Oct. 14, 2014) at 25; Comments (Oct. 29, 2014) at 15. We have considered each of the protester’s assertions and conclude that Chemonics’ arguments do not provide a basis to sustain its protest.

The protester first points to various statements in the narratives of the numerous PPIRS reports reviewed for each of the awardees, and contends that the agency did not consider this adverse information in its evaluation. Protest (Oct. 27, 2014) at 5-9. In response, the agency comprehensively explains how the Chemonics-identified issues were considered by the TEC. Supp. AR (Nov. 5, 2014) at 11-14. In general terms, the agency explains, “Poor performance with respect to any subfactor on one project alone was not considered by the TEC to be an indication that the preponderance of the weaknesses outweighed the strengths, that there was an increase in the perceived risk, or that a downward adjustment to the rating was

necessary.” Id. at 12; cf., e.g., AR, Tab 33, TEC Memorandum, at 58 (assigning Chemonics a satisfactory rating under subfactor 6 because narrative statements in two different PPIRS reports did not support a very good rating). According to the agency, many of the alleged weaknesses identified by Chemonics were simply not “compelling” or “not an indication that this was cause for concern of an increased performance risk.” See Supp. AR (Nov. 5, 2014) at 13. In this regard, the agency maintains that it took into account all of the comments in the PPIRS reports, including the negative ones, and that the comments highlighted by Chemonics were insufficient to compel a particular subfactor rating change absent additional, similar performance concerns.¹⁴ See id. Based on our review of the record, we find nothing objectionable about the agency’s analysis.¹⁵

Finally, Chemonics argues that the agency ignored adverse past performance of the awardees referenced in various public reports. Protest (Sept. 2, 2014) at 37-40; Protest (Oct. 14, 2014) at 25-29. Specifically, the protester identifies seven USAID progress reports and one Special Inspector General for Afghanistan Reconstruction (SIGAR) report that discuss projects worked on by the awardees. E.g., Protest (Sept. 2, 2014), exh. H, SIGAR Report, at 17-20; exh. L, BE SECURE Quarterly Report, at 6.

Our Office has held that, in certain circumstances when evaluating past performance, evaluators cannot ignore information of which they are personally

¹⁴ As an illustrative example, the protester argues that DAI’s performance on its Agricultural Competitiveness and Enterprise Development Project (ACED) demonstrated concerns with respect to timeliness of performance. Protest (Oct. 27, 2014) at 5; Comments (Oct. 29, 2014) at 15; see AR, Tab 50, DAI PPIRS Reports, at 9. Chemonics contends that it was unreasonable for the TEC not to have assessed a weakness or reduced DAI’s subfactor 3 rating. Comments (Oct. 29, 2014) at 15. The record establishes that notwithstanding Chemonics objections, the PPIRS report reflects that the assessing official did, in fact, assign DAI’s ACED performance a satisfactory rating under the schedule element, and the TEC rated DAI as satisfactory as well under subfactor 3. AR, Tab 50, DAI PPIRS Reports, at 8; id., Tab 33, TEC Memorandum, at 34.

¹⁵ In any event, to the extent that a narrative assessment in one of the awardee’s PPIRS reports did not support a particular adjectival rating in that report, such that the agency perhaps could have reasonably revised the rating for that report—one of several the agency considered for each offeror—the protester has not demonstrated that such a scenario would have altered the overall source selection. Put simply, even viewing these arguments in the light most favorable to the protester, its strongest arguments in this area are insufficient to sustain the protest. See, e.g., Paragon TEC, Inc., B-405384, Oct. 25, 2011, 2011 CPD ¶ 240 at 9 (competitive prejudice is an essential element of a viable protest).

aware, even if that information is not included in the offeror's proposal. See, e.g., Firestorm Wildland Fire Suppression, Inc., B-310136, Nov. 26, 2007, 2007 CPD ¶ 218 at 4; International Bus. Sys., Inc., B-275554, Mar. 3, 1997, 97-1 CPD ¶ 114 at 5. However, we have generally limited application of this principle to situations where the alleged "close at hand" information relates to contracts for the same services with the same procuring activity, or information personally known to the evaluators. Exelis Sys. Corp., B-407111 et al., Nov. 13, 2012, 2012 CPD ¶ 340 at 22.

Here, the record fails to establish that either the specific reports or the awardee's performance information discussed therein were personally known to the evaluators or the contracting officer. See Supp. CO Declaration at 8; Supp. AR (Nov. 5, 2014) at 15. With one exception, the projects identified were managed by different USAID Missions around the world; USAID's Office of Water--the USAID entity responsible for this procurement--was not involved in these projects, according to the agency.¹⁶ Supp. AR (Nov. 5, 2014) at 15. Under these circumstances, we cannot conclude that the agency's evaluation was flawed because it did not consider information from the reports identified by Chemonics--some of which were published well after the TEC conducted its past performance evaluation. See Carthage Area Hospital, Inc., B-402345, Mar. 16, 2010, 2010 CPD ¶ 90 at 8 (Veteran Affairs (VA) Inspector General report was not required to be considered where VA officials responsible for the challenged procurement were unaware of the report).

In sum, the protester has not demonstrated that the agency's past performance evaluation was unreasonable. We fail to see anything improper with the TEC's consideration of the six PPIRS reports it identified for Chemonics, including both the positive and the negative information contained therein. Chemonics' preference that the agency ignore the firm's negative past performance information--with respect to its performance on both the STBCU and Maldives GCC projects specifically--fails to provide a basis to sustain the protest. Likewise, given the broad

¹⁶ The Office of Water managed the Sustainable Water and Sanitation in Africa (SUWASA) project--a project in which Tetra Tech was involved and which was the topic of a performance report identified by Chemonics. See Supp. AR (Nov. 5, 2014) at 16; Protest (Sept. 2, 2014) at 38. The record shows that Tetra Tech actually submitted in its proposal information about its performance on the SUWASA project. Supp. CO Declaration at 7; AR, Tab 32, Tetra Tech Technical Proposal, at B-11--B-12. With respect to the report identified by Chemonics, though, the record confirms that it was published two months after the TEC performed its past performance evaluation, and the agency maintains that it is "unreliable as a source of past performance information" for various, credible reasons. Supp. AR (Nov. 5, 2014) at 16. We decline to accept that the agency should have considered the report as part of its past performance evaluation or that information therein would have altered the award to Tetra Tech.

discretion agencies have in determining the relevancy of past performance, the agency's relevancy assessments here are unobjectionable. Finally, the protester's disagreement with the agency's evaluation of the awardees' past performance does not demonstrate that the evaluation was unreasonable or otherwise improper.

Cost/Technical Tradeoff

Lastly, Chemonics objects to the agency's cost/technical tradeoff, primarily complaining that the best-value analysis was tainted by underlying problems with the evaluation of proposals. Protest (Sept. 2, 2014) at 50. The protester also asserts that the SSA "failed to compare the relative benefits of Chemonics' proposal vis a vis the other three awardees' proposals." Protest (Oct. 14, 2014) at 41.

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results, and their judgments are governed only by the tests of rationality and consistency with the stated evaluation criteria. Client Network Servs., Inc., B-297994, Apr. 28, 2006, 2006 CPD ¶ 79 at 9; Atteloir, Inc., B-290601, B-290602, Aug. 12, 2002, 2002 CPD ¶ 160 at 5. Where, as here, a solicitation provides for a tradeoff between the technical factors and cost/price, the agency retains discretion to make award to a firm with a higher technical rating, despite the higher price, so long as the tradeoff decision is properly justified and otherwise consistent with the stated evaluation and source selection scheme. TtEC-Tesoro, JV, B-405313, B-405313.3, Oct. 7, 2011, 2012 CPD ¶ 2 at 10. In reviewing an agency's source selection decision, we examine the supporting record to determine if it was reasonable and consistent with the solicitation's evaluation criteria and applicable procurement statutes and regulations. See Honeywell Tech. Solutions, Inc., B-406036, Jan. 3, 2012, 2012 CPD ¶ 43 at 5. A protester's mere disagreement with the agency's determinations as to the relative merits of competing proposals, or disagreement with its judgment as to which proposal offers the best value to the agency, does not establish that the source selection decision was unreasonable. General Dynamics-Ordnance & Tactical Sys., B-401658, B-401658.2, Oct. 26, 2009, 2009 CPD ¶ 217 at 8.

Here, we find that the contracting officer, in his capacity as the SSA, made a reasonable best-value determination that resulted in awards to the highest-rated large offerors. The SSA's award decision documented his rationale for selection as follows:

The large business consortiums were able to demonstrate a complete package when it came to technical and institutional capabilities and the diverse requirements needed for WADI. There are clear differences among the three large offerors receiving an award and the three large offerors not receiving an award. The large businesses not receiving an award . . . while generally satisfactory, did not raise to the same level of the other three. . . . Neither Chemonics nor [] excelled

in the two most important factors of the evaluation (Factors 1 and 2), and generally were only satisfactory throughout their proposals. Generally, their lower-priced illustrative task orders did not compensate for technical proposals, which overall were not as strong as the three highest rated proposals. In this RFP, as noted in Section M, technical factors were significantly more important than cost alone.

AR, Tab 34, SSDD, at 60. Contrary to the protester's assertion, the SSA adequately explained the rationale for selecting the higher-rated proposals for award. Id. With respect to Chemonics' proposal, the SSA acknowledged that the firm submitted the fourth-lowest price for the illustrative task order, and he highlighted the proposal's strengths under the five non-price factors. Id. at 17-18. The SSA also noted areas where the TEC had concerns, particularly in the first three factors, i.e., two of the most important factors under this RFP. Id.

Next, the SSA comprehensively compared Chemonics' proposal with each of the other competing offers and documented why the awardees offered "superior" technical proposals and why the merits of the awardees' proposals "far outweigh" Chemonics'. Id. at 42-44. For instance, when he compared Chemonics' proposal with DAI's, the SSA looked beyond the adjectival ratings and remarked that DAI's sample project design "included a strong contextual discussion" and that the development objective was "very strong and phrased in a way that makes it easier for USAID Missions to support by citing [deleted]." Id. at 42. On the other hand, the SSA noted no such strengths for Chemonics' proposal under factor 1. Likewise, the SSA highlighted DAI's "good technical breadth in the DAI consortium with . . . [deleted]," but noted that Chemonics' discussion under factor 3 was "still a bit fragmented and there are no clear leaders in the IDIQ focal areas." Id. at 43. Consequently, the SSA concluded that the "benefits of DAI's stronger technical proposal more than compensate for the higher associated [task order] price." Id.

The record includes similar analysis and conclusions by the SSA with respect to the other awardees. See id. at 42 (comparing Chemonics' proposal with AECOM's), 43 (comparing Chemonics' proposal with Tetra Tech's). In other words, the SSA found that it was more valuable for the agency to obtain higher all-around technical quality than a lower price on what was a hypothetical task order. See id. at 60. Such a decision is contemplated in a best-value evaluation scheme. See Federal Acquisition Regulation § 15.308. As noted above, the extent to which a lower price may be sacrificed for higher technical quality is only governed by the test of rationality and consistency with the evaluation criteria. See General Dynamics Info. Tech., Inc., B-406059.2, Mar. 30, 2012, 2012 CPD ¶ 138 at 6. The evaluation criteria here expressly provided that the technical evaluation factors were "significantly more important" than cost/price. RFP at 124. That the protester disagrees with the agency's cost/technical tradeoff does not demonstrate that it was unreasonable or contrary to the RFP's evaluation criteria.

Moreover, because we conclude that the agency's evaluation of proposals was reasonable, Chemonics' challenge to the agency's cost/technical tradeoff on the basis of underlying evaluation improprieties is unavailing. In short, the record adequately supports the SSA's decision to make awards to Tetra Tech, AECOM, and DAI.

The protest is denied.

Susan A. Poling
General Counsel