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Decision

Matter of: Jacobs Technology, Inc.

File: B-413389.3; B-413389.4

Date: July 20, 2017

Brian P. Waagner, Esq., Hal J. Perloff, Esq., Steven A. Neeley, Jr., Esq., Michelle L. Caton, Esq., and Charles M. Fleischmann, Esq., Husch Blackwell LLP, for the protester. Amy Laderberg O'Sullivan, Esq., Olivia L. Lynch, Esq., Sarah A. Hill, Esq., and Monica Rose Sterling, Esq., Crowell & Moring LLP, for AS and D, LLC, an intervenor. Major George M. Ebert, Alexis J. Bernstein, Esq., and Martin C. O'Brien, Esq., Department of the Air Force, for the agency. Louis A. Chiarella, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's evaluation of technical proposals, in the area of a hypothetical scenario, is denied where the evaluation was reasonable and consistent with the stated evaluation criteria and adequately documented.

DECISION

Jacobs Technology, Inc. (JTI), of Tullahoma, Tennessee, protests the award of a contract to AS and D, LLC (AS&D), of Beltsville, Maryland, under request for proposals (RFP) No. FA9300-15-R-0001, issued by the Department of the Air Force for aerospace systems technical research and operations services (ASTROS), at Edwards Air Force Base, California. JTI argues that the agency's evaluation of proposals and the resulting contract award decision were improper.

We deny the protest.

BACKGROUND

The Air Force Research Laboratory, Aerospace Systems Directorate (AFRL/RQ-West), performs research and development of rocket propulsion, space systems and their components, including next generation rocket propulsion technologies. Agency Report (AR), Tab 3, RFP, Performance Work Statement (PWS) § 1.0. AFRL/RQ-West plans, formulates, and conducts research, exploratory, and advanced development programs

in scientific and engineering areas related to rocket and space propulsion; it also designs and analyzes advanced propulsion concepts, and promotes the application of advanced propulsion science and technology to military and commercial systems. Id., § 1.1. The ASTROS program supports the AFRL/RQ-West mission by providing it with the capability to evaluate, design, construct, and modify experimental research test facilities and systems; perform research and development test operations and test operation support; and maintain special test equipment and support infrastructure as required. Id., § 1.2.

The RFP was issued on June 30, 2015, and contemplated the award of a hybrid fixed-price/cost-plus-award-fee/cost-reimbursement contract for a 3-year base period, with one 3-year option period and one 4-year option period.¹ RFP § B, at 2-6, 178. In general terms, the ASTROS PWS required the contractor to provide all personnel, supplies, and equipment necessary to perform the specified tasks in support of the AFRL/RQ-West mission. PWS § 2.0. The RFQ established that contract award would be made on a “best value” basis, based on three evaluation factors in descending order of importance: technical/risk (hereinafter, technical); past performance; and cost/price.² Id. at 256-57. The technical factor was comprised of four subfactors, in descending order of importance: scenario; program management; subcontract management; and phase-in plan.³ Id. at 257. The technical and past performance factors, when combined, were significantly more important than cost/price. Id.

Three offerors, including AS&D and the incumbent JTI, submitted proposals by the September 14 closing date. An Air Force source selection evaluation board (SSEB) evaluated proposals using adjectival rating schemes that were set forth in the RFP as follows: outstanding, good, acceptable, marginal, and unacceptable for the technical factor; and substantial confidence, satisfactory confidence, limited confidence, no confidence, and unknown confidence/neutral for past performance.⁴ The agency did not assign ratings to offerors’ cost/price submissions, but assessed them for reasonableness, balance, and realism.

¹ The RFP was subsequently amended 10 times. Unless specified otherwise, all references are to the final version of the solicitation.

² The technical factor was more important than the past performance and cost/price factors, which were of equal importance to each other. RFP § M, at 257.

³ Each technical subfactor was in turn comprised of elements on which the agency’s evaluation would be based. Id. at 258-60. As detailed below, the scenario subfactor consisted of 11 elements, e.g., “designed [in accordance with] IAW appropriate standards.” Id. at 258.

⁴ The agency’s past performance evaluation included assessment of the relevance and the quality of the offerors’ references. RFP § M, at 262-63.

Based on its evaluation of initial proposals, the Air Force made a competitive range determination consisting of the AS&D and JTI proposals. The contracting officer thereafter conducted discussions with offerors, followed by the submission of final proposal revisions (FPR) by May 10, 2016.⁵ The SSEB evaluated offerors' FPRs, with the final evaluation ratings and costs of the AS&D and JTI proposals as follows:

	AS&D	JTI
Technical		
Scenario	Outstanding	Outstanding
Program Management	Outstanding	Outstanding
Subcontract Management	Acceptable	Acceptable
Phase-In Plan	Outstanding	Outstanding
Past Performance	Substantial Confidence	Substantial Confidence
Proposed Cost/Price	\$207,881,101	\$208,512,402
Evaluated Cost/Price	\$207,881,101	\$208,512,402

AR, Tab 40, Proposal Analysis Report (PAR), June 22, 2016, at 11-50; Tab 41, Source Selection Briefing, June 24, 2016, at 29.

The SSEB also identified strengths and weaknesses in the technical proposals in support of the ratings assigned. Specifically, the agency evaluators found a total of 10 strengths and no weaknesses in AS&D's technical submission, and a total of 5 strengths and no weaknesses in JTI's technical submission. AR, Tab 40, PAR, June 22, 2016, at 11-20, 35-41. Similarly, the agency evaluators made narrative findings regarding the relevance and quality of offerors' past performance references in support of the assigned ratings. Id. at 20-23, 42-43.

An agency source selection advisory council (SSAC) then conducted a comparative assessment of the proposals. The SSAC found that, notwithstanding the equivalent ratings, AS&D's proposal was superior to that of JTI under the scenario, program management, and phase-in plan subfactors (the offerors were considered equal under the subcontract management subfactor). AR, Tab 39, Comparative Analysis Report, June 22, 2016, at 5-14. Similarly, the SSAC found, notwithstanding the equal ratings, JTI's past performance to be superior to that of AS&D.⁶ Id. at 15-16. Overall, the SSAC found that AS&D's technical advantages outweighed JTI's past performance advantage, and recommended contract award to AS&D. Id. at 19.

⁵ The solicitation established that offerors' responses to the scenario subfactor would not be the subject of discussions. RFP § L, at 204.

⁶ The SSAC also considered the cost difference between the AS&D and JTI proposals--0.3 percent over the 10-year period of performance--to be insignificant, and viewed the offerors as equal in this area. Id. at 17-18.

On June 24, an agency source selection authority (SSA) concluded that AS&D's technical advantages and lower evaluated cost outweighed JTI's past performance advantage, and that AS&D's proposal represented the best value to the government all factors considered. AR, Tab 42, Source Selection Decision, June 24, 2016, at 1-6.

On July 11, JTI filed a protest with our Office challenging the agency's evaluation of offerors' proposals and resulting award decision. JTI argued, among other things, that the evaluation of AS&D's proposal under the scenario subfactor was unreasonable.

On October 18, we sustained JTI's protest in part. Jacobs Tech., Inc., B-413389, B-413389.2, Oct. 18, 2016, 2016 CPD ¶ 312. Specifically, we found that the agency's evaluation of AS&D's proposal under the scenario subfactor was unreasonable.⁷ Id. at 10-15. Further, we found that JTI had demonstrated a reasonable possibility that it was prejudiced by the agency's action. That is, although AS&D's proposal possessed other technical advantages over JTI's proposal and was lower cost, we could not say, given the shortcomings in the evaluation, whether AS&D's proposal would remain technically superior or the overall best value. Id. at 18. We also recommended that the agency reevaluate AS&D's proposal under the scenario subfactor and make a new source selection decision. Id. at 19.

As detailed below, the Air Force reevaluated both the AS&D and JTI proposals under the scenario subfactor.⁸ AR, Tab 54, Air Force Email to GAO Regarding Corrective Action, at 1-2. On March 29, 2017, the SSEB completed its reevaluation, with the final revised evaluation ratings and costs of the AS&D and JTI proposals as follows:

	AS&D	JTI
Technical		
Scenario	Good	Good
Program Management	Outstanding	Outstanding
Subcontract Management	Acceptable	Acceptable
Phase-In Plan	Outstanding	Outstanding
Past Performance	Substantial Confidence	Substantial Confidence
Proposed Cost/Price	\$207,881,101	\$208,512,402
Evaluated Cost/Price	\$207,881,101	\$208,512,402

⁷ In resolving this aspect of JTI's prior protest, our Office conducted a hearing to receive testimony from various agency officials involved in this procurement, as well as a technical expert on behalf of the protester. Id. at 10 n.13. We found the remainder of JTI's protest issues, including the evaluation of AS&D's past performance and all other technical evaluation challenges, had been abandoned by JTI or were without merit. Id. at 5-10, 15-17.

⁸ The Air Force did not reopen the competition to receive revised proposals, nor did the agency reassess its earlier evaluation in any area other than the scenario subfactor.

AR, Tab 73, Revised PAR, Mar. 29, 2017, at 16-98.

The SSAC, in a subsequent comparative assessment, again found AS&D's proposal to be technically superior to that of JTI's proposal under the scenario, program management, and phase-in plan subfactors (and thus the technical factor as a whole), and JTI's past performance to be superior in relevance and quality to that of AS&D.⁹ Id. at 5-23. Overall, the SSAC found that, notwithstanding the equivalent adjectival ratings, AS&D's technical advantages outweighed JTI's superior past performance, and recommended contract award to AS&D. Id. at 25-26.

On April 4, the SSA concluded that AS&D's technical advantages over JTI under three of four technical subfactors--scenario, program management, and phase-in plan--and lower cost, outweighed JTI's superior past performance; therefore the SSA again concluded that AS&D's proposal offered the overall best value to the government. AR, Tab 75, Revised Source Selection Decision, Apr. 4, 2017, at 1-8.

On April 14, after having received notice of contract award and a debriefing, JTI filed this protest with our Office.

DISCUSSION

JTI protests the agency's revised evaluation of offerors' proposals under the scenario subfactor, and raises various arguments in support thereof. Among other things, JTI contends that the Air Force unreasonably reevaluated the scenario proposals by (1) allegedly applying an incorrect technical standard to the evaluation; (2) failing to identify a strength in JTI's proposal; and (3) failing to assign a weakness to AS&D's proposal--JTI does not, however, dispute any of the strengths assigned to AS&D's scenario proposal. The protester also contends that the agency applied unstated evaluation criteria in its reevaluation, and that the agency's corrective action introduced new errors that can only be addressed through an amended solicitation. JTI also argues that it was prejudiced by the aforementioned scenario subfactor evaluation errors. Protest, Apr. 14, 2017, at 14-26.

The Air Force argues that its reevaluation of offerors' proposals under the scenario subfactor, although premised upon a technical assumption different from that previously believed, was a reasonable one. Memorandum of Law (MOL), May 15, 2017, at 13-36. The Air Force and intervenor, AS&D, also point to the limited nature of JTI's challenge to the agency's reevaluation--essentially 1 of 11 elements, under 1 of 4 subfactors, under 1 of 3 factors--and contend that the agency's overall best-value determination was proper. Id. at 12-13; AS&D Comments, May 25, 2017, at 14-15.

⁹ The SSAC again considered the evaluated cost difference between the AS&D and JTI proposals to be an insignificant one. AR, Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 24.

In reviewing a protest challenging an agency's evaluation of proposals, our Office will not reevaluate proposals nor substitute our judgment for that of the agency, as the evaluation of proposals is generally a matter within the agency's discretion. NCI Info. Sys., Inc., B-412680, B-412680.2, May 5, 2016, 2016 CPD ¶ 125 at 4; Del-Jen Educ. & Training Group/Fluor Fed. Solutions LLC, B-406897.3, May 28, 2014, 2014 CPD ¶ 166 at 8. Rather, we will review the record to determine whether the agency's evaluation was reasonable; consistent with the stated evaluation criteria, applicable procurement statutes, and regulations; and adequately documented. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. An offeror's disagreement with an agency's evaluation judgments, without more, does not establish that an evaluation was unreasonable. Battelle Mem'l Inst., B-413570.3 et al., May 23, 2017, 2017 CPD ¶ 174 at 6; Diversified Tech. & Servs. of Va., Inc., B-412090.2, B-412090.3, Dec. 16, 2015, 2016 CPD ¶ 34 at 6.

As detailed below, we find that the Air Force's reevaluation of both the AS&D and JTI proposals under the scenario subfactor was proper, that is, reasonable, consistent with the stated evaluation criteria, and adequately documented. Moreover, as JTI's protest concerns but one aspect of the Air Force's reevaluation under one technical subfactor--and we have previously found no merit in JTI's other challenges to the agency's evaluation--we find the resulting award decision was also proper. Although we do not address all of JTI's various arguments regarding the scenario subfactor reevaluation, we have fully considered all of them and find they provide no basis on which to sustain the protest.

The Scenario Subfactor

The Air Force, as part of its evaluation of offerors' technical capabilities, required offerors to respond to a hypothetical scenario with requirements as follows:

- install 100 feet of Type 316 stainless steel piping for liquid oxygen (LOX) service
- a working pressure of 3,000 pounds per square inch
- a flow rate of 750 pounds per second
- pipe lengths of 20 feet
- foundations, elevations, insulation, and flanges provided by the agency
- all work to be completed within 2 months from authorization to proceed

RFP § L, at 250.

The RFP also established the major event milestones that would occur in the LOX piping scenario as follows: kick[-]off meeting;¹⁰ preliminary design review; critical

¹⁰ The RFP did not provide a definition for the "kick-off meeting" term, but the term is generally used to identify the first meeting with the project team and the client of the project following definition of the base elements for the project.

design review; acceptance inspection; and project complete. Id. The scenario also referenced various industry standards, and stated that:

[t]he design, installation, inspection, and cleaning must be in compliance with [American Society of Mechanical Engineers] ASME B31.3-2010, “Process Piping,” Chapters V [Fabrication, Assembly, and Erection] and VI [Inspection, Examination, and Testing]; [American Society for Testing and Materials] ASTM G88-05, “Standard Guide for Designing Systems for Oxygen Service;” IEST-STD-CC1246D, “Product Cleanliness Level and Contamination Control Program;” ASTM MNL36-2, “Safe Use of Oxygen and Oxygen Systems; Handbook for Design, Operations, and Maintenance,” and best practices.¹¹

Id.

The purpose of the LOX piping hypothetical scenario was for offerors to demonstrate “their technical knowledge regarding liquid oxygen pipe systems and complying with Codes, standards and guidelines,” and “to provide the offerors [with] the freedom to propose a solution that they believe offers the government best value.” AR, Tab 73, Revised PAR, Mar. 29, 2017, at 17. Additionally, the open-ended nature of the RFP scenario required each offeror to make various assumptions as well as tradeoffs between criteria such as design, quality, cost, risk, and schedule, id.; tr. at 32:20 – 34:1, as the agency evaluators “wanted to get an understanding of their thought process of how they arrived at the selection.”¹² Tr. at 34:6-8.

¹¹ ASME B31.3 is the primary technical standard for the design, fabrication and inspection of newly constructed piping in the United States and throughout most of the world. JTI Protest, Aug. 22, 2016, exh. A., Declaration of Thomas W. Eager, Aug. 19, 2016, at 3; Hearing Transcript (Tr.) at 41:8-13.

¹² For example, the LOX piping scenario did not inform offerors of the diameter size of the piping that it would be connected to at either end. JTI, in its proposal, recognized this technical issue but, for purposes of the scenario, “assumed away” the problem as follows:

Due to the undesirable effects associated with altering the velocity at the upstream and downstream ends of the existing pipe, we assume that our design diameter (12 inches) will be the same diameter as the upstream and downstream connection points of the existing pipe. We assume the hypothetical nature of the scenario allows this assumption.

AR, Tab 15, JTI Proposal, Vol. II, Technical Proposal, at 16.

The RFP also established, as part of the scenario subfactor, 11 elements upon which the agency's evaluation would be based.¹³ RFP § M, at 258-59. These elements concerned both an offeror's understanding of the technical requirements for the handling of LOX as well as scenario program management, and were as follows:

- designed IAW appropriate standards
- accurate calculations are provided
- tradeoffs are identified
- methods for information/data gathering are described
- quality assurance and quality control methods are followed
- identified and provided mitigation techniques for risks (i.e., cost, schedule and performance)
- prime and subcontractor organizational hierarchy demonstrating management efficiencies to include reach back capabilities
- appropriate skill mix to include subcontractors (types and quantities)
- logical resource loaded schedule ensuring sufficient hours allocated to accomplish major milestones
- appropriately completed Attachment L-8 [scenario cost summary by cost elements] to include bill of materials [BoM]
- adequate [health and safety action plan] HSAP to include special [personal protective equipment] PPE

Id. at 258-59.

Relevant to the protest here, while the RFP stated that the agency would evaluate, among other things, whether an offeror's LOX piping system had been "designed IAW appropriate standards," the scenario did not specify a particular piping design standard. Additionally, JTI does not challenge the agency's evaluation of the other 10 elements under the scenario subfactor for either offeror.

Initial Evaluation of Scenario Proposals and Protest

Both the technical proposals of AS&D and JTI responded to the RFP's hypothetical scenario. AS&D detailed its approach for the design, fabrication, and installation of a 10-inch diameter pipe to successfully transport LOX in accordance with the scenario's stated requirements, and provided certified engineering calculations in support of its proposed design. AR, Tab 21, AS&D Proposal, Vol. II, Technical Proposal, at 13-65.

¹³ The RFP did not state the relative weight of the scenario elements. Id. at 258-59. Our Office has recognized that where a solicitation does not disclose the relative weight of evaluation factors, the factors are understood to be of equal importance. See PricewaterhouseCoopers Public Sector, LLP, B-413316.2, B-413316.3, Dec. 27, 2016, 2017 CPD ¶ 12 at 2 n.4; New Directions Techs., Inc., B-412703.2, B-412703.3, Aug. 18, 2016, 2016 CPD ¶ 241 at 9.

Additionally, among its scenario assumptions, AS&D stated that “[w]e are designing for ASME B31.3 Category D Fluid Service and personnel are evacuated while the pipeline is at design pressure.” Id. at 14. JTI, by contrast, proposed the design, fabrication, and installation of a 12-inch diameter pipe, and stated that its design was done pursuant to Category M fluid service. AR, Tab 15, JTI Proposal, Vol. II, Technical Proposal, at 40 (“we recommend that the Government provide weld neck flanges based on Category M fluid service standards in ASME B31.3”).

As set forth above, ASME B31.3 is the primary technical standard for the design, fabrication, and inspection of newly constructed piping. The term “fluid service” concerns “the application of a piping system, considering the combination of fluid properties, operating conditions, and other factors that establish the basis for design of the piping system.” AR, Tab 49, ASME B31.3, Process Piping, at 4. ASME B31.3 also establishes different fluid service levels (e.g., Category D, Normal, Category M) to be used depending on the characteristics and properties of the substance to be transported in the piping system. Id. at 4-5.

Category D fluid service is a classification in which, among other things, the fluid being handled is nonflammable, nontoxic, and not damaging to human tissue.¹⁴ Id. At the hearing previously held by our Office, the SSEB chair testified that with regard to the design of piping systems for Category D fluid service, ASME B31.3 establishes “basically the most liberal or relaxed design.” Tr. at 41:14-21. By contrast, Category M fluid service is a classification “in which the potential for personnel exposure is judged to be significant and in which a single exposure to a very small quantity of a toxic fluid, caused by leakage, can produce serious irreversible harm” AR, Tab 49, ASME B31.3, Process Piping, at 4-5. When designing piping systems for Category M fluid service, ASME B31.3 “become[s] more restrictive. You are limited on the type of pipe you can use, type of flange you can use. . . . They restrict the material to listed materials” Tr. at 42:2-10. When performing its initial evaluation of proposals, the agency evaluators were of the opinion that Category M fluid service was required for the LOX piping hypothetical scenario. See AR, Tab 38, AS&D Evaluation Worksheets, at 6; Tab 53, Contracting Officer’s Memorandum For Record, Nov. 7, 2016, at 2.

The SSEB was aware of AS&D’s stated assumption that its LOX piping system was being designed for Category D fluid service. AR, Tab 38, AS&D Evaluation Worksheets, at 19-20, 26-27. However, the agency evaluators concluded that AS&D’s reference to Category D fluid service “was most likely an administrative error,” because “all of the calculations use the appropriate temperatures and pressures and weld inspections exceed the requirements for Category M fluid service” AR, Tab 38, AS&D Evaluation Worksheets, at 6; AR, Tab 40, PAR, June 22, 2016, at 12. Overall, the SSEB identified five strengths and no weaknesses in AS&D’s scenario proposal, and rated the awardee as outstanding. AR, Tab 40, PAR, June 22, 2016, at 11-14.

¹⁴ The Category D fluid service definition also includes design pressure and temperature components. Id.

However, during the hearing that our Office held in connection with JTI's earlier protest, the SSEB chair testified that AS&D's reference to Category D fluid service was not an administrative error as first believed. Jacobs Tech., Inc., supra, at 13. Specifically, the SSEB chair acknowledged that while Category M fluid service does not allow for pressure and temperature variations as it does for Category D fluid service, AS&D's proposal assumed that the piping system allowed for overpressure, and thereby indicated that AS&D had indeed designed its piping system for Category D fluid service. Id. at 13-14. The SSEB chair also stated that AS&D would have been given a weakness in its scenario proposal (under the "designed IAW applicable standards" element) had the evaluators been aware of this information during their evaluation. Id. at 14.

We subsequently found the agency's evaluation of AS&D's proposal under the scenario subfactor to be unreasonable by failing to identify this design shortcoming in the awardee's proposal, and prejudicial to the protester. Id. at 14-15, 18. In sustaining the earlier protest, we recommended that the agency reevaluate AS&D's proposal under the scenario subfactor and, based on that reevaluation, make a new source selection determination. Id. at 19.

Reevaluation of the AS&D and JTI Scenario Proposals

The Air Force thereafter decided to reevaluate both AS&D and JTI's proposals under the scenario subfactor as part of its corrective action. The decision to reevaluate both offerors in this area was based on the SSEB's subsequent determination that its prior assumption--that Category M fluid service was required for the LOX piping hypothetical scenario--had been in error. AR, Tab 53, Contracting Officer's Memorandum for Record, Nov. 7, 2016, at 2.

ASME B31.3 (the primary technical standard for the design, fabrication, and inspection of newly constructed piping) includes a guide for classifying fluid services. AR, Tab 49, ASME B31.3, Process Piping, Appendix M, Guide to Classifying Fluid Services, at 290. The ASME B31.3 guide is essentially a decision tree diagram, using a successive series of yes/no questions, to determine the proper fluid service classification standard. Id. The SSEB, as part of its reevaluation, went "back to the basics" and began by reviewing the fluid service classification guide.¹⁵ AR, Tab 84, Declaration of SSEB Chairman, June 5, 2017, at 4; Tab 73, Revised PAR, Mar. 29, 2017, at 17-19. Based on determining that the "owner" of the piping installation (i.e., the requiring activity in the Air Force) had not designated high pressure fluid service (as defined by ASME B31.3), and

¹⁵ The SSEB chairman does not recall that the evaluators reviewed the fluid service classification guide as part of their initial evaluation, AR, Tab 84, Declaration of SSEB Chairman, June 5, 2017, at 4, and the record does not indicate that the SSEB did so. AR, Tab 40, PAR, June 22, 2016, passim.

that the LOX fluid was non-toxic and non-flammable,¹⁶ the agency evaluators concluded that the proper standard to be used for the RFP's scenario was actually Normal fluid service.¹⁷ AR, Tab 73, Revised PAR, Mar. 29, 2017, at 5, 17-18. The SSEB also conducted an alternate analysis using the same decision tree diagram. In the alternative assessment, the evaluators determined that even if LOX was considered toxic, by finding that a single exposure to leakage of a very small quantity of the fluid would not produce serious irreversible harm, the logic flow in the decision tree diagram, again, resulted in the determination that Normal fluid service was the appropriate fluid service classification. Id. at 18-19.

Additionally, as part of analyzing offerors' scenario proposals under the "designed IAW appropriate standards" element, the SSEB took into account approximately 40 "critical evaluated design criteria" from the scenario's applicable industry standards. Id. at 19-29. For example, with regard to ASME B31.3, the agency evaluators identified approximately 33 critical evaluated design criteria (e.g., design minimum temperature, uninsulated components, stresses for pipe supporting elements) to be considered when determining whether each offeror's proposal met the requirements for this particular element. Id. at 21-27. The record reflects that the agency applied both the Normal fluid service classification standard, and the critical evaluated design criteria, to both offerors as part of its reevaluation. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 17-29, 56-70.

With regard to AS&D's scenario proposal under the "designed IAW appropriate standards" element, the SSEB was aware that the awardee had assumed that it was designing to Category D fluid service (rather than to Normal fluid service). AR, Tab 73, Revised PAR, Mar. 29, 2017, at 29. However, the evaluators also found that AS&D's design met or exceeded the critical design criteria contained in the scenario's referenced standards. Id. at 21-29. For example, the evaluators noted that AS&D's "approach identified 100% weld Radiographic Testing," while ASME B31.3 requires "not less than 5% of circumferential random radiography." Id. at 29. The SSEB concluded that "the calculations, design and inspection regimen proposed by AS and D, LLC are in accordance with the design[ed] in accordance with appropriate standards and support a

¹⁶ The evaluators took into consideration multiple sources, both non-governmental and governmental, when determining that LOX was non-toxic and non-flammable. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 17; Tab 84, Declaration of SSEB Chairman, June 5, 2017, at 4-7; Tab 85; Airgas Material Safety Data Sheet (Oxygen, Refrigerated Liquid), at 1-11; Tab 81, Airgas Material Safety Data Sheet (Oxygen), at 1-11.

¹⁷ Normal fluid service represents a "fluid service pertaining to most piping covered by this Code, i.e., not subject to the rules for Category D, Category M, elevated temperature, or High Pressure Fluid Service." AR, Tab 49, ASME B31.3, Process Piping, at 5. The Normal fluid service standard is more stringent than Category D fluid service, but less rigorous than Category M fluid service. AR, Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 8.

kick-off level review package which meets the ASTROS Scenario requirements”¹⁸ Id. at 30.

With regard to JTI’s scenario proposal under the “designed IAW appropriate standards” element, the SSEB recognized that the protester was designing to Category M fluid service (rather than Normal fluid service). Id. at 70. The evaluators found that “[t]his was done in the absence of the owner identifying in the Scenario the desired fluid service,” id., and that JTI’s proposal did not provide any analysis showing how it had determined Category M to be the appropriate fluid service standard. AR, Tab 74, Source Selection Briefing, Mar. 31, 2017, at 38. Also, with regard to the “critical evaluated design criteria,” the SSEB found numerous instances where JTI’s proposal did not provide supporting calculations. Specifically, “JTI indicates in their proposal that at the kick-off meeting they will verify design requirements and expectations. As such, many of ASME B31.3-2010 analysis are [sic] not provided in their initial scenario approach. These include live and dead loading for supports.” AR, Tab 73, Revised PAR, Mar. 29, 2017, at 70. The SSEB concluded that “the calculations, design and inspection regimen proposed by JTI are in accordance with . . . appropriate standards and support a kick-off level review package which meets the ASTROS Scenario requirements”¹⁹ Id.

The SSAC thereafter performed a comparative assessment of the AS&D and JTI scenario proposals. With regard to the “designed IAW appropriate standards” element, the SSAC found each offeror’s approach to be thorough and supported a kick-off meeting--the first milestone listed in the hypothetical scenario. Id. at 7-8. In support thereof, the SSAC stated that:

Both offerors utilized the design standards and guidelines to perform their design. As both offerors were addressing a kick[-]off meeting neither offeror completed all calculations. . . . Furthermore, both offerors had items which would have resulted in the need for [a]ction [i]tems to be resolved at the end of the kick-off meeting. For example, both offerors

¹⁸ Overall, the SSEB identified four strengths and no weaknesses in AS&D’s scenario proposal, and rated it as good. Id. at 21, 34-35.

¹⁹ Overall, the agency evaluators identified three strengths and no weaknesses in JTI’s scenario proposal, and rated it as good. Id. at 75; Tab 72, Comparative Assessment Report, Mar. 29, 2017, at 9, 19-20. In committing to its decision to “go back to basics,” the agency also employed a second, independent review team (“Red Team”) from outside of AFRL/RQ-West to review the SSEB’s evaluation methodology and findings under the scenario subfactor of both offerors. COS, May 15, 2017, at 8; AR, Tab 56, Independent Review Team Form, at 1-6. The Red Team was only chartered to review the technical evaluation team’s reevaluation. The Red Team was “not part of the Source Selection Team and did not compare proposals or make recommendations as to award.” COS, May 15, 2017, at 8.

call[ed] out the incorrect fluid service category. AS and D incorrectly called out Category D which allows for some of the [N]ormal fluid service requirements to be relaxed; however, they do not take advantage of those reduced requirements. JTI proposes the more stringent Category M which potentially increases cost and schedule risk in an effort that explicitly calls out aggressive schedule goals. . . . Similarly, JTI's lack of demonstrated calculations is concerning especially considering their call out of the more rigorous Category M standard.

* * * * *

Looking at the characteristics of the design[s], AS and D, LLC's approach placed emphasis on meeting cost and aggressive schedule goals provided by the government in the scenario. JTI's approach emphasized a conservative design that could be used for other activities. Both are valid approaches that indicate they understand the trade-offs which must occur during the design process.

* * * * *

Overall, it is clear that although the two approaches differed in emphasis, they both provided sufficient level of rigor for a [k]ick-off level meeting design.

AR, Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 8.

Overall, the SSAC found AS&D's scenario proposal to be superior under three elements (logical resource loaded schedule, adequate [health and safety action plan] HSAP to include [personal protective equipment] PPE, and prime and subcontractor organizational hierarchy), and JTI's proposal to be superior under one element (risk mitigation), and that the two proposals were otherwise equal under the remaining seven elements. Id. at 12-18. The SSAC concluded that AS&D's proposal was superior overall to that of JTI's proposal under the scenario subfactor (as well as under the program management and phase-in plan subfactors, which JTI does not challenge here). Id.

As detailed below, our review indicates the agency's evaluation of offerors' proposals under the scenario subfactor was reasonable. As a preliminary matter, we note that there is no challenge to the evaluation of AS&D's technical proposal under any other subfactor. Under two of the subfactors--program management and phase-in plan--AS&D was found to be technically superior to JTI. Moreover, even under the scenario subfactor, JTI does not dispute any of the strengths assigned to the awardee's proposal, or that AS&D met the scenario requirements in all areas other than "designed IAW applicable standards." In fact, the scope of JTI's challenge to the Air Force's evaluation of proposals is essentially limited to 1 of 11 elements, under 1 of 4 subfactors, under 1 of 3 factors.

First, we find the agency's underlying determination--that the LOX piping scenario required Normal fluid service--to be reasonable. Unlike its initial evaluation, the SSEB properly examined ASME B31.3 (the piping process industry standard referenced in the hypothetical scenario) when determining the proper fluid service design standard. Specifically, the agency evaluators employed the "Guide to Classifying Fluid Services" decision-tree diagram (Appendix M of ASME B31.3), and reasonably concluded that the appropriate fluid service was Normal fluid service. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 17-19. Using the fluid service classification guide's decision-tree, the agency determined that (1) the pipe "owner" had not specified high pressure fluid service; (2) the fluid was not toxic; and (3) the fluid was not flammable. Id. As such, Normal fluid service was appropriate under those circumstances. We recognize that the Air Force's position here regarding the applicable fluid service standard for the RFP scenario is different from what it previously believed, i.e., that Category M fluid service was appropriate. Notwithstanding that change in the agency's position, there is simply no requirement that the evaluators be "wrong twice," or that they were somehow precluded from altering their viewpoint if it was reasonable to do so. Quite simply, the record reflects that during the course of its corrective action reevaluation, the agency evaluators replaced an assumption as to the appropriate fluid service level standard for the RFP's scenario with a determination based on a careful, critical analysis of the issue.

We also find the agency's subsequent evaluation of AS&D's scenario proposal, under the "designed IAW appropriate standards" element, was reasonable. The SSEB was fully aware that AS&D's proposal incorrectly stated that it was designing to Category D fluid service, as opposed to Normal fluid service. However, the agency's evaluation under this element was not based solely on the offeror identifying the appropriate fluid service standard, but also took into account whether the offeror's proposal met critical evaluation design criteria. Here, the SSEB found that AS&D's scenario proposal met critical design requirements, and provided accurate calculations in support thereof. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 19-29. Moreover, the level of design expected of offerors' proposals here was that required to support the scenario's first milestone, the kick-off meeting. Id. at 21; Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 7-8; see also RFP §L, at 250. It was only at the scenario's later milestones (i.e., preliminary design review, critical design review) that offerors' designs would reach a level of finalization. Based on the holistic nature of the agency's evaluation approach, and the level of design analysis expected here, the SSEB reasonably found that AS&D met requirements for the "designed IAW appropriate standard" element.

Additionally, we find unobjectionable the Air Force's evaluation of JTI's scenario proposal under the "designed IAW appropriate standards" element. The SSEB reasonably found that JTI, like AS&D, had also failed to identify the proper fluid classification standard (i.e., Normal fluid service), and had not provided any analysis as to how the offeror decided that Category M fluid service was the appropriate standard. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 70; Tab 74, Revised Source Selection Briefing, Mar. 31, 2017, at 38. In this regard, JTI's proposal did not show that it used

the ASME Guide to Classifying Fluid Services, but contained only the unsupported conclusion that Category M fluid service was required. See AR, Tab 15, JTI Proposal, Vol. II, Technical Proposal, at 40. The agency evaluators also reasonably found that JTI's decision to design to a higher fluid service standard than what was required had both positive (i.e., less risk, greater use flexibility) and negative aspects (i.e., potential cost and schedule concerns) to it. AR, Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 8-9; Tab 74, Revised Source Selection Briefing, Mar. 31, 2017, at 36-37.

Further, as set forth above, the agency's evaluation of the "designed IAW appropriate standards" element was not limited to whether the correct fluid service classification had been identified, but also included reviewing approximately 40 critical design criteria to assess an offeror's understanding of design requirements. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 60-70. The SSEB found that with regard to these critical evaluated design criteria, JTI's proposal often failed to provide calculations in support of its initial scenario approach (e.g., live and dead loading for supports). *Id.* at 70; Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 8; Tab 74, Revised Source Selection Briefing, Mar. 31, 2017, at 37. In sum, the agency's evaluation under this particular scenario subfactor element reasonably did not turn on the proper fluid classification standard, and the SSEB reasonably found that JTI's proposal here met the design requirements to support the scenario's kick-off meeting.

JTI raises numerous arguments in furtherance of its contention that the evaluation of offerors' scenario proposals under the "designed IAW appropriate standards" element was improper. For example, JTI contends that the agency incorrectly determined that Category M fluid service was not required for the RFP's LOX piping hypothetical scenario. JTI argues that the agency's determination in this regard was inconsistent with the text of the RFP (i.e., "best practices"), the agency's previous determination and representations, and sound engineering principles. Protest, Apr. 14, 2017, at 14-22. The agency in turn argues that although the scenario stated that the "design, installation, inspection and cleaning must be in compliance with," among other things, "best practices," RFP § L, at 250, the referenced ASME Guide of Classifying Fluid Services, alone, governs the appropriate fluid service standard. MOL, May 15, 2017, at 18.

We find no merit in the protester's arguments here. First, as set forth above, the RFP scenario did not state that offerors' LOX piping systems were to be designed to Category M fluid service.²⁰ Rather, the scenario left the determination of appropriate design standard to the offerors. The gravamen of JTI's argument is that the phrase

²⁰ JTI also argues that, based on past practices, the agency essentially pre-selected Category M fluid service level for the scenario here, even if the RFP did not expressly require it. Protest, Apr. 14, 2017, at 16. We find JTI's reliance on alleged prior practice is not a valid substitute for determining the applicable fluid service level in accordance with applicable standards.

'best practices' supersedes the applicable ASME guide to classifying fluid services, and thereby mandates a higher fluid service design standard. JTI's assertion, however, falls short on multiple levels. First, to the extent that JTI argues that the ASME B31.3 and "best practices" provisions are in conflict, such an argument concerns a patent ambiguity in a solicitation and is untimely at this juncture. See 4 C.F.R. § 21.2(a)(1). Second, while the RFP required that offerors employ "best practices," the LOX piping scenario also required that offerors make tradeoffs between criteria such as design, quality, cost, risk, and schedule. Thus, there was simply no requirement that "best practices" mandated that offerors employ the most rigorous design standard if not required. In sum, we find the "best practices" provision in the RFP did not require the agency to establish Category M fluid service as the applicable fluid service requirement as part of its evaluation.

JTI also argues that the Air Force's selection of Normal fluid service as the appropriate fluid service level was not based on consideration of all applicable standards referenced in the RFP scenario. Specifically, JTI contends that the SSEB (as well as the Red Team employed by the agency) failed to take IEST-STD-CC1246D, the Product Cleanliness Level and Contamination Control Program (hereinafter IEST-STD), into account when determining the applicable fluid service standard. Protest, Apr. 14, 2017, at 21-22. The Air Force does not dispute that it did not take IEST-STD into account with determining the applicable fluid service standard. Rather, the agency contends that IEST-STD, which governs the cleanliness standards and methods that would occur after pipe design and fabrication have been completed, had no impact on the proper fluid service classification. MOL, May 15, 2017, at 19-20; COS, May 15, 2017, at 25.

The IEST-STD standard provides methods for specifying and determining product cleanliness levels for contamination-critical products. See <http://www.iest.org/Standards-RPs/Recommended-Practices/IEST-STD-CC1246> (last visited Jul. 20, 2017). The emphasis is on contaminants that can impact product performance. Id. As set forth above, when determining the appropriate fluid service standard, the agency utilized the Guide to Classifying Fluid Services set forth in ASME B31.3.²¹ Id. at 17-19.

We find the agency's evaluation in this regard was unobjectionable. As a preliminary matter, the ASME B31.3 Guide to Classifying Fluid Services--on which the agency based its fluid service standard determination--turns on factors such as the owner's designation and whether the fluid in question is toxic or flammable, the harm from exposure caused by leakage, and design pressure, but not product cleanliness (JTI does not assert that product cleanliness is an aspect of the ASME B31.3 Guide to Classifying Fluid Service). Further, JTI fails to show that product cleanliness standard IEST-STD had any impact on piping system design. In fact, JTI's own proposal indicates that the protester's design approach was based on the other standards

²¹ Additionally, the agency took into account three of the scenario's stated references, but not IEST-STD, when determining the critical criteria by which to assess offerors' designs. AR, Tab 73, Revised PAR, Mar. 29, 2017, at 19-29.

referenced in the scenario, which also did not include the product cleanliness standard: “Our approach for the design . . . of the LOX piping is based on ASME B-31.3 . . . ; ASTM G88-13, *Standard Guide for Designing Systems for Oxygen Service*; and ASTM MNL36-2, *Safe Use of Oxygen and Oxygen Systems* . . . Precision cleaning will be verified against IEST-STD-CC1246E . . .” AR, Tab 15, JTI Proposal, Vol. II, Technical Proposal, at 38 (emphasis in original).

Finally, we find the Air Force’s decision to rely exclusively on ASME B31.3, including the Guide to Classifying Fluid Services at Appendix M, when determining the appropriate fluid service level to be a reasonable one. To the extent the protester disagrees with the agency’s choice of methodology in this regard, we find this argument amounts to disagreement with the agency’s evaluation judgments, which, without more, does not render those judgements unreasonable. Affordable Eng’g Servs., Inc., B-407180.4 et al., Aug. 21, 2015, 2015 CPD ¶ 334 at 12.

JTI also argues that the Air Force, once it altered its position on the appropriate fluid service level, was required to amend the solicitation and provide offerors with an opportunity to revise their proposals. Protest, Apr. 14, 2017, at 17-20. In support thereof, JTI cites to our decision in Rockwell Elec. Commerce Corp., B-286201.6, Aug. 30, 2001, 2001 CPD ¶ 162.

In Rockwell, offerors were to submit proposals for the “best solution” available in the industry to handle both the agency’s toll free and administrative call traffic. After the submission of proposals, the agency provided offerors with information that the level, and therefore the associated costs, of administrative call traffic were insignificant (this affected offerors’ choice of technical solutions).²² The agency thereafter held discussions with only one offeror (MCI) and provided it with the opportunity to revise its proposal; MCI now knowing that the level of administrative call tariff at issue was an insignificant one. We sustained the subsequent protest, finding that the agency had introduced information showing that the actual conditions of the procurement were significantly different than those under which the competition had been conducted (and that holding discussions with one offeror unfairly provided only that concern with the ability to consider this additional information). In fact, we concluded in Rockwell that the actual conditions were so different that the RFP was misleading, such that offerors proposing certain technical solutions for the administrative call traffic did not have a fair opportunity to compete for award.

We find protester’s reliance on our prior decision in Rockwell to be misplaced. First, notwithstanding JTI’s assertions to the contrary, the RFP scenario has never stated that Category M fluid service level was required. Instead, the scenario left it to offerors to determine the appropriate fluid service standard as part of their design. Further, it was not until after offerors submitted their proposals that the Air Force expressed a view on

²² This information came to light during the course of an earlier protest brought by Rockwell. Rockwell, supra.

the applicable fluid service standard, and the agency did not provide any offeror with an opportunity to revise its proposal after the earlier JTI protest. Accordingly, the agency's prior position could not have influenced the submission of proposals, and JTI fails to show how the agency's earlier view of the issue affected its fluid service standard determination.

JTI also argues that, even assuming that Normal fluid service level was the appropriate fluid service standard, the agency's evaluation of AS&D's scenario proposal (under the "designed IAW appropriate standards" element) was unreasonable. In support thereof, JTI contends that AS&D's stated assumption that it was designing to the less rigorous Category D fluid service was wrong and should have been considered a weakness. We disagree. First, the evaluators for the agency's reevaluation--unlike its earlier evaluation--were aware that AS&D had improperly stated that it was designing to Category D fluid service and that this was not an administrative error. However, unlike JTI, the evaluators did not myopically focus upon only the fluid service designation, but also took into account that AS&D's scenario proposal met or exceeded the critical design criteria contained in the scenario's referenced standards. We find the agency's use of this holistic approach to its evaluation here was reasonable. Moreover, each offeror's proposed design was to be sufficient to support the scenario's first milestone, a kick-off meeting, and the SSEB reasonably found that AS&D's design, while not perfect, met that requirement.

Further, JTI argues that, even assuming that Normal fluid service level was the appropriate standard, the agency's evaluation of its scenario proposal (under the "designed IAW appropriate standards" element) was improper. JTI points to the fact that its use of Category M fluid service level exceeded the Normal fluid service standard, and therefore should have been recognized as a strength. Protest, Apr. 14, 2017, at 23. The protester also argues that the missing design calculations for which it was faulted "simply were not required by the Scenario, which contemplated a kick-off level design only." Id. at 24.

We find the agency's evaluation to be reasonable. As a preliminary matter, the record reflects that JTI's decision to exceed the appropriate design standard (i.e., Normal fluid service) was not a knowing one. JTI's proposal contains no analysis showing that the offeror made an intentional decision to exceed the Normal fluid service standard, but instead assumed that Category M fluid service was required (even though the owner had not made such a designation). Further, the agency evaluators reasonably found that JTI's planned use of Category M fluid service level had both its pros and cons. Specifically, while the piping system could then be used for other activities, "the more stringent Category M . . . potentially increases cost and schedule risk." AR, Tab 72, Revised Comparative Analysis Report, Mar. 29, 2017, at 8. Likewise, we find it was also reasonable for the SSEB to take into account JTI's missing design calculations, especially as the RFP expressly stated that offerors were to "provide a detailed . . . design (including all calculations with formulas)," as part of their scenario proposals. RFP at 250. While JTI contends that such supporting calculations were not required for a kick-off level design, we find this argument amounts to disagreement with the

agency's evaluation, which does not render it unreasonable. See CACI-WGI, Inc., B-408520.2, Dec. 16, 2013, 2013 CPD ¶ 293 at 12.

In sum, notwithstanding the agency's change in position regarding applicable fluid service standard from its earlier one, we find the reevaluation of both the AS&D and JTI proposals under the "designed IAW appropriate standards" element, and the scenario subfactor, was reasonable. Accordingly, based on the record before us, we find no reason to disturb the resulting award to AS&D.

The protest is denied.

Susan A. Poling
General Counsel