



## Decision

**Matter of:** NextStep Technology, Inc.

**File:** B-416877

**Date:** January 3, 2019

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Vincent Viriya for the protester.  
Matthew T. Schoonover, Esq., Koprince Law, LLC, for Federal Integrated Systems Corporation, the intervenor.  
Jean D. Wulff, Esq., and Chioma M. Ayogu, Esq., Department of Transportation, for the agency.  
Paula A. Williams, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest challenging the agency's evaluation of quotations and the resulting best-value decision is denied where the record shows that the agency's evaluation and award decisions were reasonable and consistent with the solicitation.

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### DECISION

NextStep Technology, Inc. (NextStep), of Lorton, Virginia, protests the establishment of a blanket purchase agreement (BPA) with Federal Integrated Systems Corporation (Federal), of Alexandria, Virginia, under request for quotations (RFQ) No. 693JJ418Q000011, issued by the United States Department of Transportation for professional and administrative support services for various divisions of the Federal Motor Carrier Safety Administration (FMCSA). The protester argues that the agency's evaluation of its quotation under the past performance factor and the resulting best-value tradeoff decision were improper.<sup>1</sup>

We deny the protest.

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<sup>1</sup> NextStep was not represented by counsel and therefore could not review proprietary and source selection sensitive information under a protective order. Accordingly, the agency produced redacted agency reports for the protester and the intervenor. This decision is based on our review of the unredacted record.

## BACKGROUND

The agency issued the RFQ on July 26, 2018, to contract holders of the General Services Administration's (GSA) Federal Supply Schedule (FSS) schedule No. 00CORP for professional services. The RFQ was issued utilizing Federal Acquisition Regulation (FAR) subpart 8.4 procedures for the establishment of a single BPA for a 1-year base period and four 1-year option periods to procure professional and administrative support services for a variety of job functions for FMCSA. RFQ at 1. The solicitation included a statement of work (SOW) identifying 15 labor categories, along with a detailed description of the duties and minimum qualifications for each labor category.<sup>2</sup> Id. at 11-30. The successful vendor would be required to provide the needed staffing and supervision to meet the daily duties and responsibilities for the various divisions of the FMCSA. Id. at 8.

The RFQ contemplated establishment of the BPA on the basis of a best-value tradeoff, considering price and the following factors, listed in descending order of importance: technical approach, management approach, and past performance. Id. at 1-2. The technical approach evaluation factor was stated to be more important than all other evaluation factors combined. Id. at 2. In this regard, vendors were advised that the government was "more concerned with obtaining superior technical and management features than with making an award at the lowest overall price." Id. at 1.

As relevant here, in response to vendor questions concerning past performance submissions, the agency indicated that vendors were to provide a "[b]rief description of the project/services provided (clearly show size and scope) to demonstrate relevance to the requirements outlined in the Statement of Work." Agency Report (AR) exh. 3, RFQ mod. 2, Question & Answer (Q&A) No. 20. The solicitation established that past performance would be assigned a performance risk assessment rating based on an evaluation of the vendor's recent and relevant past performance history in providing the services in the SOW. RFQ at 3. As also relevant, the solicitation established a limit of 30 pages for quotations, with resumes and pricing not included in the page count. Id. at 1. In response to a request for clarification of the page limit for individual resumes and past performance submissions, the agency explained that "[c]over pages, resumes, and past performance are not included in the page count." AR exh 3, RFQ mod. 2, Q&A No. 17.

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<sup>2</sup> The solicitation identified the following labor categories: program manager, grants post-award specialist, internal controls auditor II, business analyst, complementary financial analyst, chief financial officer administrative specialist I, administrative assistant II, registration and safety information program assistant (I, II, and III), human resource specialist (information systems), personnel security assistant, human resource administrative assistant II, human resource assistant, and human resource assistant benefits. RFQ at 11-30.

The agency received a number of quotations in response to the solicitation, including quotations from Federal and NextStep. The agency’s technical evaluation panel (TEP) evaluated quotations, assigned consensus ratings, and prepared narrative assessments of advantages, deficiencies, and disadvantages for each quotation under each of the non-price evaluation factors.<sup>3</sup> AR exh. 6, Technical Evaluation Report at 2-3. The contracting officer then assigned past performance risk ratings for each vendor based on the relevancy ratings assigned by the TEP and whether the vendor’s demonstrated past performance related to the entire scope of the SOW.<sup>4</sup> Contracting Officer’s Statement at 3; AR exh. 7, Revised Award Memorandum at 4. The proposed prices of each vendor were evaluated and each was determined to be fair and reasonable. Contracting Officer’s Statement at 3.

The overall evaluation results for Federal and NextStep were as follows:

	<b>Federal</b>	<b>NextStep</b>
<b>Technical Approach</b>	Exceptional	Acceptable
<b>Management Approach</b>	Exceptional	Acceptable
<b>Past Performance</b>	Low Risk	Unknown Risk
<b>Price</b>	\$18,575,841.60	\$11,094,957.59

AR exh. 7, Revised Award Memorandum at 12. The agency assigned NextStep’s quotation an unknown risk/neutral past performance rating because the protester did not submit past performance references that covered all areas of the SOW. Contracting Officer’s Statement at 3.

The contracting officer, who was the selection official for this procurement, conducted tradeoff analyses between the various vendors, giving appropriate consideration to the evaluation criteria set forth in the RFQ and their relative importance. Id. As between Federal and NextStep, the contracting officer found that the difference between the two quotations with respect to the non-price factors was the quality of Federal’s quotation which received the highest rating under the technical approach factor--the most important factor--as well the highest rating under the management approach factor. Recognizing the importance of selecting a vendor with a superior technical and management approach, the contracting officer concluded that Federal’s higher-rated

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<sup>3</sup> The available ratings under the technical approach and management approach evaluation factors were exceptional, good, acceptable, marginal, and unacceptable. RFQ at 3-4.

<sup>4</sup> The available ratings under past performance were low risk, moderate risk, high risk, and unknown risk. RFQ at 5-6. Of relevance here, vendors without a record of relevant past performance, or for whom information on past performance was not available, would not be evaluated favorably or unfavorably on past performance and would receive an unknown risk rating for the past performance factor. Id. at 5.

quotation represented the best value to the government as compared to NextStep's lower-priced, lower-rated quotation. Id.

On September 26, 2018, the agency established a BPA with Federal with a ceiling of \$18,575,841.60 and notified unsuccessful vendors of the selection decision. After NextStep received a brief explanation of the decision, this protest followed.

## DISCUSSION

NextStep challenges the agency's evaluation of its past performance and the agency's best-value decision. With respect to the past performance evaluation, the protester argues that the agency improperly assigned an unknown risk/neutral rating because the protester did not submit past performance references for all the SOW requirements. Protest at 2-3; Comments at 1-2. Specifically, NextStep claims that it followed the solicitation's instructions that quotations "shall not exceed 30 pages" see RFQ at 1, and argues that "it would have been impractical and unrealistic to illustrate recent and relevant contracts/work in each of the fifteen (15) different labor categories" within the 30-page limit. Comments at 1-2.

Where an agency conducts a formal competition for the establishment of a BPA, we will review the agency's actions to ensure that the evaluation was reasonable and consistent with the terms of the solicitation. Alexander & Tom, Inc., B-412358 et al., Jan. 21, 2016, 2016 CPD ¶ 46 at 4. In reviewing protests of alleged improper evaluations and source selection decisions, our Office will not reevaluate the quotations; rather, we will examine the record to determine whether the agency's evaluative judgments were reasonable and consistent with the stated evaluation criteria and applicable procurement laws and regulations. SRM Grp., Inc., B-410571, B-410571.2, Jan. 5, 2015, 2015 CPD ¶ 25 at 4; Digital Sols., Inc., B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 3-4; DEI Consulting, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. A protester's disagreement with the agency's judgment, without more, does not establish that an evaluation was unreasonable. Cyberdata Techs., Inc., B-411070 et al., May 1, 2015, 2015 CPD ¶ 150 at 4.

Here, the RFQ provided that the purpose of the BPA was to obtain contractor staffing for each of the labor categories listed in the SOW. As noted above, the solicitation required vendors to demonstrate relevant past performance for the specific staffing requirements set forth in the SOW, and advised that there was no page count limitation to bar vendors from providing this information. See AR exh. 3, RFQ mod. 2, Q&A Nos. 17, 20. In this regard, the record reflects that the protester's past performance submission included six past performance references. Id. exh. 12, NextStep Quotation at 27-31. The agency evaluated three of these references as not relevant to any of the SOW's staffing requirements. For example, one of the references evaluated as not relevant was a Department of Transportation (DOT) contract for development of a mobile application. NextStep's description of the work was limited to "the results are truly visible as a mobile app and a DOT reference." Id. at 27. The agency expressly

noted that this description failed to demonstrate how the reference was relevant to any of the labor categories set forth in the SOW. AR exh. 6, TEP Report at 19.

With regard to the four references the agency evaluated as having some relevance to the SOW, the agency found that they were limited to areas involving some of the labor categories contemplated by the SOW--specifically, those relating to the administrative support, business analyst, auditing, or financial services labor categories. Id. at 19-20. Because the protester's references did not, however, establish relevance with respect to several of the labor categories contemplated by the SOW--for example, the agency did not find that the references involved labor categories pertaining to program management, post-award grants, human resources, or personnel security, among others--the agency assigned NextStep's quotation an unknown/neutral rating under the past performance factor. While the protester disagrees with the agency's assessment of its past performance, the protester does not dispute that its past performance references failed to demonstrate relevance with respect to many of the labor category requirements set forth under the SOW. Rather, in response, the protester simply contends that it would have been "impractical and unrealistic" to include recent and relevant contracts with respect to all of the labor categories listed in the SOW. Protester's Comments at 1. A vendor, however, has the burden of submitting an adequately written quotation and runs the risk that its quotation will be evaluated unfavorably where it fails to do so. VariQ Corp., B-407193, Nov. 27, 2012, 2013 CPD ¶ 233 at 3. Accordingly, based on this record, we find no basis to conclude that the agency's evaluation either was unreasonable or inconsistent with the stated evaluation criteria.

NextStep also challenges the agency's best-value decision, essentially arguing that its lower-priced, lower-rated quotation offered the best value to the government. Where, as here, a procurement is conducted on a best-value tradeoff basis, the selection official retains discretion to select a higher-priced but also technically higher-rated submission, if doing so is in the government's best interest and is consistent with the solicitation's stated evaluation and source selection scheme. Buckley & Kaldenbach, Inc., B-298572, Oct. 4, 2006, 2006 CPD ¶ 138 at 3; General Dynamics-Ordnance & Tactical Sys., B-401658, B-401658.2, Oct. 26, 2009, 2009 CPD ¶ 217 at 8. A protester's disagreement with the agency's judgments about the relative merit of competing proposals does not establish that the evaluation was unreasonable. General Dynamics Land Sys., B-412525, B-412525.2, Mar. 15, 2016, 2016 CPD ¶ 89 at 11; Hi-Way Paving, Inc., B-410662, Jan. 21, 2015, 2015 CPD ¶ 50 at 12.

As explained above, technical approach was identified as the most important evaluation factor and the solicitation expressly stated that the agency sought superior technical and management features rather than making award at the lowest overall price. Consistent with this evaluation and selection scheme, the contracting officer determined that Federal's significant technical benefits together with its highly rated management

approach and low risk justified the agency's decision to select Federal's higher-priced quotation. Based on our review of the record, we find this selection decision to be reasonable and consistent with the evaluation criteria and source selection scheme.

The protest is denied.

Thomas H. Armstrong  
General Counsel