Decision

Matter of: Quantech Services, Inc.

File: B-417347; B-417347.2

Date: May 29, 2019

John R. Prairie, Esq., Martha G. Vazquez, Esq., Cara L. Lasley, Esq., Wiley Rein LLP, for the protester.
Lieutenant Colonel Nathaniel H. Sears, Erika Whelan Retta, Esq., Alexis J. Bernstein, Esq., Department of the Air Force, for the agency.
Heather Self, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency’s selection of a higher technically rated proposal at a higher cost is denied where agency reasonably evaluated offerors’ proposals and identified discriminators to justify selection of the higher-priced proposal.

DECISION

Quantech Services, Inc., a small business of Lexington, Massachusetts, protests the issuance of a task order to Tecolote Research, Inc., a small business of Goleta, California, under request for proposals (RFP) No. FA8810-18-R-0001, issued by the Department of the Air Force, Space and Missile Systems Center (SMC) for acquisition, communications, and administrative support services. Quantech alleges that the agency departed from the solicitation’s established evaluation criteria, unreasonably evaluated technical proposals, and conducted a flawed best-value tradeoff.

We deny the protest.

BACKGROUND

The agency issued the solicitation on November 8, 2018, to small businesses holding General Services Administration One Acquisition Solution for Integrated Services
indefinite-delivery, indefinite-quantity (IDIQ) contracts. Agency Report (AR), Tab 4, Solicitation Transmittal Letter, at 1. The RFP contemplated the issuance of a single task order with fixed-price and cost-reimbursement line items pursuant to the fair opportunity ordering procedures of Federal Acquisition Regulation subpart 16.5 for a 1-year base and four 1-year option periods. Id.; AR, Tab 13, Model Contract, at 2-15.

The RFP sought proposals for provision of acquisition, strategic communication, and administrative support services for SMC's Remote Sensing Systems Directorate. AR, Tab 6, Performance Work Statement (PWS), at 6. The solicitation identified 24 separate PWS items connected with specific tasks, 22 of which will be performed at Los Angeles Air Force Base (AFB), in El Segundo, California, and two of which will be performed at Buckley, AFB, in Aurora, Colorado. AR, Tab 14, Staffing Matrix. The RFP provided a government estimate staffing matrix and a blank staffing matrix template, which offerors were required to complete with proposed staff sufficient to meet the solicitation's requirements. AR, Tab 7, Instructions to Offerors, at 10; AR, Tab 14, Staffing Matrix. The RFP also instructed offerors to indicate which proposed staff were considered key personnel. AR, Tab 14, Staffing Matrix. The government estimate staffing matrix identified 13 staff as key personnel. Id.

The RFP provided that the task order would be issued on a best-value tradeoff basis considering technical capabilities and price, with technical capabilities identified as more important than price. AR, Tab 8, Evaluation Criteria, at 5 and 9. For technical capabilities, the RFP advised that the agency would evaluate: (1) the extent to which an offeror's staffing matrix “demonstrates that the proposed staffing solution provides sufficient staffing levels, relevant experience, education, certifications, and the expertise required to complete the requirements of the PWS for each PWS item,” and the extent to which “each proposed staff member's specific experience and expertise satisfies the PWS and Government Staffing Matrix requirements”; (2) the extent to which a proposal “[d]escribes a flexible and responsive process to adapt to fluctuations due to changes in Government needs”; and (3) the extent to which a proposal “[p]rovides [a] general staffing, retention, and succession plan for all personnel through phases of the contract.” Id. at 9-10. For price, the RFP advised that the agency would evaluate an offeror's total price for reasonableness. Id. at 10.

The solicitation closed on December 10, and the agency received six proposals--including those from Quantech and Tecolote. AR, Tab 1, Contracting Officer's Statement (COS), at 5. As relevant here, with respect to the technical capabilities

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1 Citations to the record herein utilize the uniform pagination applied by the agency when it submitted its report to our Office.

2 The RFP established that the 1-year base period would include a 30-day transitional phase-in period followed by an 11-month base performance period. AR, Tab 13, Model Contract, at 2-5.
factor, the agency evaluated Quantech’s staffing matrix as having two strengths.  

3 The RFP defined a strength as “a specific proposal attribute that has government utility or exceeds specified performance or capability requirement(s) in a way that will be advantageous to the Government during contract execution.” AR, Tab 8, Evaluation Criteria, at 9.

The agency evaluated Quantech’s proposal as offering “an adequate process” to meet the solicitation’s requirement to provide a flexible and responsive process for responding to changing staff needs. The agency did not consider Quantech’s “industry-standard process for staffing changes” whereby Quantech would “develop multiple staffing solutions/options and present them to the Government for an execution decision” to merit any strengths. AR, Tab 21, Fair Opportunity Decision Document, at 19. The evaluators concluded that Quantech’s proposal offered “a thorough staffing, retention, and succession plan” whereby Quantech initially would staff the contract with non-incumbent personnel “while extending offers to all qualified incumbent personnel,” but did not consider this approach to merit any strengths. Id. Overall, the agency rated Quantech’s proposal as good under the technical capabilities factor. Id. at 18.

The agency also evaluated Tecolote’s staffing matrix as having two strengths. AR, Tab 21, Fair Opportunity Decision Document, at 24. The agency assessed one strength because the proposed personnel had experience and education in excess of the

3 In considering a proposed staff member’s years of experience beyond the minimum requirements, the agency counted only the first ten years of additional experience for acquisition personnel and only the first five years of additional experience for administrative personnel. AR, Tab 21, Fair Opportunity Decision Document, at 18. The agency deemed additional years beyond these thresholds to be past the point of diminishing returns. Id.

4 The RFP defined a good adjectival rating as applicable where the “[p]roposed solution indicates a thorough approach and understanding of the requirements and contains at least one strength.” AR, Tab 8, Evaluation Criteria, at 10.
solicitation’s minimum requirements.  Id.  Specifically, the agency considered Tecolote’s proposal to merit a strength because it offered 5 out of 35 personnel with higher levels of education than the minimum required, 8 out of 22 acquisition personnel with Defense Acquisition University certifications exceeding the minimum required, and 25 out of 35 personnel with more than the minimum required years of experience, which, when combined, totaled 173 additional years of experience.  The agency deemed this level of additional experience to be advantageous to the government.  Id.  The agency assessed the second strength “for the proposed personnel’s specific experience relevant to the completion of each PWS item . . . bolstered by the Offeror’s proposal of 28/35 personnel with direct SMC experience.”  Id.

The agency evaluated Tecolote’s proposal as having an additional strength because it offered “an exceptional process tailored to adapt to fluctuations” in the government’s needs.  AR, Tab 21, Fair Opportunity Decision Document, at 25.  Specifically, the agency considered it advantageous that Tecolote:  (1) provided a specific planned response for various staffing fluctuation situations; (2) had “recent experience on reorganizations within SMC/[Remote Sensing] where they reprioritized staffing to accommodate the shift”; and (3) offered “access to a diverse bench of over 250 qualified personnel in the El Segundo area.”  Id.  The agency found that Tecolote’s proposal offered “a thorough staffing, retention, and succession plan” whereby Tecolote demonstrated a five-year retention rate of 89 percent and offered to provide “100% of their staffing level on Day 1,” which met the requirements of the solicitation and did not merit any strengths.  Id.  Overall, the agency rated Tecolote’s proposal as outstanding under the technical capabilities factor.  Id. at 24.

Quantech offered a total price of $33.6 million, which was approximately 22 percent below the government estimate.  AR, Tab 21, Fair Opportunity Decision Document, at 19.  Tecolote offered a total price of $36.7 million, which was approximately 15 percent below the government estimate.  Id. at 25.  The agency found both offerors’ prices to be fair and reasonable.  Id. at 19 and 25.  The evaluators’ noted that Quantech’s offer was a “Good proposal - Budget Pick,” and recommended Tecolote’s offer as an “Outstanding proposal - Best Value.”  AR, Tab 20, Award Decision Briefing, at 12.

In making the selection decision, the source selection authority (SSA) compared Quantech’s $3.1 million lower-priced and lower technically rated proposal to Tecolote’s higher-priced higher technically rated proposal.  AR, Tab 21, Fair Opportunity Decision Document, at 27-28.  As part of the comparison of Quantech and Tecolotes’ proposals,

6 The RFP defined an outstanding adjectival rating as applicable where the “[p]roposed solution indicates an exceptional approach and understanding of the requirements and contains multiple strengths.”  AR, Tab 8, Evaluation Criteria, at 10.
the SSA examined the key personnel identified by the offerors in their staffing matrices. Both Quantech and Tecolote identified 13 key personnel. AR, Tab 17, Quantech’s Proposal, at 23-32; Tab 18, Tecolote’s Proposal, at 29-36.

<table>
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<th>Proposed Key Personnel Qualifications</th>
<th>Quantech</th>
<th>Tecolote</th>
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<td>Education</td>
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<td>Defense Acquisition University Certifications</td>
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<td>8/13</td>
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<td>Experience</td>
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AR, Tab 20, Award Decision Briefing, at 15. The SSA found the comparison of the proposed staff for these key positions to be important because it comprised “senior-level and Subject Matter Expert (SME)-level Acquisition Management support, which are positions where previous leadership and experience have great mission impact to [Remote Sensing].” AR, Tab 21, Fair Opportunity Decision Document, at 28.

The SSA concluded that paying the approximately nine percent price premium for Tecolote’s proposal provided the agency with greater technical capability because of the additional 65 years of experience amongst the key personnel positions. AR, Tab 21, Fair Opportunity Decision Document, at 28. The SSA found that Tecolote’s delta of additional experience beyond the minimum required for the key personnel positions made it more likely that Tecolote would perform better. Id. In addition, because SMC would be reorganizing its work environment during the awarded task order’s period of performance, the SSA found that Tecolote’s “exceptional contingency plans for staffing fluctuations” and access to 250 local personnel in the event of a rapid change in the agency’s needs presented a superior approach to Quantech’s proposal. Specifically, in contrast, Quantech’s proposal only offered “adequate contingency plans for staffing fluctuations based on a generic hiring processes” without access to a large bench of personnel to promptly adapt to any changes in the agency’s needs. Id. In this regard, the SSA specifically found that paying the price premium for Tecolote’s superior approach to contingency staffing provided the agency with a greater likelihood of success “as the center re-architects to SMC 2.0.” Id. The SSA selected Tecolote’s higher-rated higher-priced proposal as the best value to the government. Id. at 29.

On February 12, 2019, the agency notified Quantech of the award decision and provided an initial debriefing, which was followed by an enhanced debriefing that concluded on February 21. AR, Tab 22, Unsuccessful Offeror Notice and Initial Debriefing; Tab 23, Debriefing Questions E-mail from Quantech to Contracting Officer;
DISCUSSION

Quantech raised three arguments in its initial protest, and raised three additional arguments in its comments on the agency report. For the reasons set forth below, we dismiss Quantech’s initial protest arguments and deny its supplemental protest arguments.

Abandoned Protest Arguments

In its initial protest, Quantech argued that: (1) the agency unreasonably evaluated Tecolote as outstanding under the technical capabilities factor considering Tecolote’s alleged staffing problems during performance of the incumbent contract; (2) the agency unreasonably evaluated Quantech as good under the technical capabilities factor considering that its proposed staff allegedly are better than Tecolote’s proposed staff; and (3) the agency failed to consider price as part of its best-value tradeoff. In its report to our Office responding to the protest, the agency specifically responded to each of these arguments. In its comments on the agency report, Quantech failed to rebut or otherwise address the agency’s responses. As a result, we have no basis to conclude that the agency’s position with respect to the issues in question is unreasonable or improper. IntegriGuard, LLC d/b/a HMS Federal--Protest and Recon., B-407691.3, B-407691.4, Sept. 30, 2013, 2013 CPD ¶ 241 at 5. Accordingly, we consider these arguments to have been abandoned and will not address them further. Knowledge Connections, Inc., B-297986, May 18, 2006, 2006 CPD ¶ 85 at 2 n. 2. Quantech’s initial protest is dismissed in its entirety. Bid Protest Regulations, 4 C.F.R. § 21.3(i)(3).

Technical Capabilities Evaluation

Quantech’s supplemental protest challenges two aspects of the agency’s technical evaluation and the particular discriminators identified by the SSA to justify the selection of Tecolote’s proposal for award. First, Quantech argues that the agency improperly evaluated each offeror’s proposed staff as a whole rather than considering each proposed staff member’s individual qualifications. Protester’s Comments and Supp. Protest at 2-6. Second, Quantech argues that the agency unreasonably assigned Tecolote’s proposal a strength for offering a 250 person “bench” to support contingency staffing needs. Id. at 6-7.

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8 The awarded value of the task order at issue exceeds $10 million. AR, Tab 21, Fair Opportunity Decision Document, at 27. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of orders under multiple-award IDIQ contracts that were awarded under the authority of Title 41 of the U.S. Code. 41 U.S.C. § 4106(f)(1)(B).
In reviewing a protest challenging an agency’s evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency’s discretion. Halfaker and Assocs., LLC, B-407919, B-407919.2, Apr. 10, 2013, 2013 CPD ¶ 98 at 6. Rather, we will examine the record to ensure that the agency’s evaluation was reasonable and consistent with the evaluation criteria set forth in the solicitation and with applicable procurement statutes and regulations. Networking & Eng’g Technologies, Inc., B-405062.4 et al., Sept. 4, 2013, 2013 CPD ¶ 219 at 8-9. A protester’s disagreement with the agency’s judgment in its determination of the relative merit of competing proposals, without more, does not establish that the evaluation was unreasonable. Robbins-Gioia, LLC, B-402199 et al., Feb. 3, 2010, 2010 CPD ¶ 67 at 6. On the record here, we see no basis to question the agency’s evaluation of the offerors’ proposals or its selection decision.

Regarding its first allegation, Quantech argues that the agency “engaged in a mechanical counting exercise of total combined qualifications” of proposed staff as a whole rather than evaluating the “extent to which each proposed staff member satisfied or exceeded the PWS.” Protester’s Comments and Supp. Protest at 2. Quantech contends that this aspect of the agency’s evaluation deviated from the solicitation’s established evaluation criteria and failed to discriminate between an offeror proposing a large number of highly qualified staff versus an offeror proposing a few staff members who significantly exceeded the minimum required experience established in the RFP. Id. at 3. Quantech argues that it was prejudiced by the agency’s evaluation method because its staff was superior to Tecolote’s staff in all metrics (e.g., minimum required education, Defense Acquisition University certifications, SMC/Remote Sensing specific experience) other than total years of experience. Id. at 4.

The record establishes that the two offerors’ proposed staff had similar qualifications with respect to education, certifications, and SMC specific experience. AR, Tab 21, Fair Opportunity Decision Document, at 18 and 24. When considering all of its 35 proposed staff members, Quantech offered three more personnel who exceeded the minimum education requirements, two more acquisition personnel who exceeded the minimum number of required Defense Acquisition University certifications, four more personnel who exceeded the minimum experience requirements, and five more personnel with SMC specific experience, as compared to the staff proposed by Tecolote. Id. When considering the subset of 13 proposed key personnel, Tecolote offered one more person who exceeded the minimum education requirements and one more acquisition staff member who exceeded the minimum number of required Defense Acquisition University certifications, as compared to the staff proposed by Quan-tech. AR, Tab 20, Award Decision Briefing, at 15; Tab 21, Fair Opportunity Decision Document, at 28. Quantech offered one more staff member with SMC specific experience, as compared to the staff proposed by Tecolote. Id. The two offerors proposed the same number of key personnel who exceeded the minimum general experience requirement. Id.
With respect to the years of experience, however, the record indicates that there was a pronounced dissimilarity between the two proposals. AR, Tab 20, Award Decision Briefing, at 15; Tab 21, Fair Opportunity Decision Document, at 28; Combined Supp. Memorandum of Law and COS at 11. Considering all of its 35 proposed staff members, Tecolote offered 25 personnel who exceeded the minimum experience requirement by a combined total of 173 additional years, an average of 6.9 years per person. AR, Tab 21, Fair Opportunity Decision Document, at 28. Quantech, on the other hand, offered 29 personnel who exceeded the minimum experience requirement by a combined total of 79 additional years, an average of only 2.7 years per person and a delta between the two proposals of 94 years of experience or 4.2 years per person. Id. at 18 and 24.

Regarding the 13 proposed key personnel, both Tecolote and Quantech offered 11 personnel who exceeded the minimum experience requirement. AR, Tab 14, Staffing Matrix; Tab 17, Quantech’s Proposal, at 23-32; Tab 18, Tecolote’s Proposal, at 29-36. Tecolote’s key personnel have a combined total of 89 additional years of experience, all 11 have at least 3 years of additional experience, 10 of the 11 have 5 or more years of additional experience, and 6 of the 11 have more than 10 years of additional experience. AR, Tab 14, Staffing Matrix; Tab 18, Tecolote’s Proposal, at 29, 31 and 33. Quantech’s key personnel have a combined total of 24 additional years of experience, 65 years less than Tecolote’s personnel. AR, Tab 20, Award Decision Briefing, at 15; Tab 21, Fair Opportunity Decision Document, at 28. Additionally, 7 of Quantech’s 11 key personnel have less than 5 years of additional experience, only 4 of the 11 have 5 or more years of additional experience, and none of Quantech’s personnel exceed 7 years of additional experience. AR, Tab 14, Staffing Matrix; Tab 17, Quantech’s Proposal, at 23-24, 26 and 29.

Although agencies are required to identify in a solicitation all major evaluation factors they are not required to identify all areas of each factor that might be taken into account in an evaluation, provided that the unidentified areas are reasonably related to, or encompassed by, the established factors. Northrop Grumman Sys. Corp., B-414312 et al., May 1, 2017, 2017 CPD ¶ 128 at 12. Where, as here, the agency evaluated the two proposals as meriting the same two strengths for offering personnel with similar qualifications in terms of education, certifications, and SMC or SMC/Remote Sensing specific experience levels, the agency reasonably focused on an area where there was greater dissimilarity between proposals--total years of experience--as a discriminator under the staffing matrix portion of the technical capabilities evaluation factor.

The solicitation provided the agency would evaluate the extent to which an offeror proposed a staffing solution with “sufficient staffing levels, relevant experience, education, certifications, and the expertise required to complete the requirements of the PWS for each PWS item,” and the extent to which “each proposed staff member’s specific experience and expertise satisfies the PWS and Government Staffing Matrix requirements.” AR, Tab 8, Evaluation Criteria, at 9-10. We do not consider the agency's approach to be inconsistent with the solicitation where total experience of a
proposed staff reasonably relates to individual experience of the personnel comprising
the proposed staff. See e.g., Information Ventures, Inc., B-401448.5, B-401448.6,
May 13, 2010, 2010 CPD ¶ 180 at 7 (denying protest that the agency unreasonably
evaluated protester’s proposal as technically unacceptable where level of staffing and
experience of staff working together reasonably related to the soundness of technical
approach evaluation factor established in the solicitation).

Quantech’s argument that the agency’s consideration of total experience was
unreasonable because it failed to discriminate between an offeror proposing a large
number of highly qualified staff versus an offeror proposing a few staff members who
significantly exceeded the minimum required experience established in the RFP is
without merit. The record reflects that the agency structured its consideration of total
experience to avoid this type of skewing effect and to ensure that its evaluation was
inclusive and representative of each proposed staff members’ individual experience.
AR, Tab 21, Fair Opportunity Decision Document, at 18. Specifically, in calculating
combined total years of additional experience the agency counted only the first ten
years of experience beyond the minimum required for acquisition personnel and only
the first five years of additional experience for administrative personnel. Id.

Quantech next argues that the agency unreasonably assigned Tecolote’s proposal a
strength for proposing a 250 person bench to support contingency staffing needs.
Protester’s Comments and Supp. Protest at 6-7. Quantech asserts that Tecolote’s
proposed contingency staffing plan is a “hollow” offer because the offered individuals
are drawn from staff working on five other SMC contracts Tecolote currently is
performing. Id. According to Quantech, moving these personnel to work as
contingency staff on this SMC/Remote Sensing contract would result in degraded
performance on these other SMC contracts.9 Id.

As an initial matter, Quantech concedes that its approach to contingency planning is
“practically identical” to Tecolote’s approach. Protester’s Comments and Supp. Protest
at 6. Quantech represents that in the event of a need for additional staff, both offerors
proposed “to temporarily reassign [Remote Sensing] staff to areas of need and to hire
new personnel if existing staff could not fill staffing gaps.” Id. Quantech also
acknowledges that Tecolote’s proposal went beyond what Quantech proposed by
offering to shift not just Remote Sensing personnel but also “to shift personnel from

9 To the extent Quantech is arguing that Tecolote will be unable to perform in the
manner it proposed because it is incapable of simultaneously providing a 250 person
bench to support contingency staffing needs under this task order while continuing to
fulfill its obligations under other SMC contracts, we dismiss the allegation because
questions pertaining to whether Tecolote will perform this task order or other SMC
contracts in accordance with the requirements of each applicable solicitation present
matters of contract administration, which we do not consider as part of our bid protest
function. Bid Protest Regulations, 4 C.F.R. § 21.5(a); see ARINC Eng’g Servs., LLC,
other SMC contracts if its existing [Remote Sensing] staff could not meet SMC’s needs.”

Id.

Where both offerors proposed a similar approach to address contingency staffing needs, it was reasonable for the agency to consider the relative size of the pools from which Quantech and Tecolotes’ contingency staff could be shifted under the staffing fluctuations portion of the technical capabilities evaluation factor. See e.g., Robbins-Gioia, LLC, supra, at 4 (denying a protest where offerors all proposed good program management experience, processes, and tools to meet the solicitation requirements, and the agency distinguished between the proposals by focusing on how each offeror leveraged proposed personnel). To the extent Quantech believes the agency should have discounted the strength of Tecolote’s larger pool of contingency staff, this argument amounts to nothing more than disagreement with the agency’s judgment, which is insufficient to establish that the agency’s evaluation was unreasonable. Id. at 6. Accordingly, Quantech’s challenges of the agency’s technical evaluation are denied.

Best-Value Tradeoff

Finally, in its supplemental protest, Quantech argues that because the agency’s evaluation was unreasonable and inconsistent with the solicitation the agency’s best-value tradeoff based on this flawed evaluation also was unreasonable. Protester’s Comments and Supp. Protest at 7-8. As explained above, the record reflects that the agency conducted its evaluation in a manner consistent with the solicitation, and Quantech’s disagreement with the agency’s judgment that Tecolote’s proposal was superior to its own is insufficient to render the agency’s evaluation unreasonable.

Source selection officials have broad discretion in deciding the manner and extent to which they will make use of technical and price evaluation results; price/technical tradeoffs may be made and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the evaluation criteria. 2H&V Constr. Servs., B-411959, Nov. 23, 2015, 2015 CPD ¶ 368 at 8. A protester’s disagreement with an agency’s judgments about the relative merit of competing proposals does not establish that the judgments were unreasonable. General Dynamics Land Systems, B-412525, B-412525.2, Mar. 15, 2016, 2016 CPD ¶ 89 at 11.

The RFP advised that award would be made to the offeror that represented the best value to the government, and that this could result in an award to a higher-rated higher-priced offeror if the SSA concluded this approach provided the best value. AR, Tab 8, Evaluation Criteria, at 5. The record reflects that in making the tradeoff decision the SSA considered Tecolote’s proposed key personnel’s years of additional experience and Tecolote’s more specific contingency staffing plans, including access to a bench of 250 personnel in the local area, as indicators that Tecolote’s proposal offered the agency a greater likelihood of better performance during the task order’s performance period. AR, Tab 21, Fair Opportunity Decision Document, at 28. The record further reflects that the SSA deemed Tecolote’s $3.1 million price premium to be worth paying
for such an increased likelihood of successful performance. Id. at 27-28. We have no basis to find the SSA’s conclusion unreasonable. Accordingly, Quantech’s challenge of the agency’s best-value tradeoff decision is denied.

The protest is denied.

Thomas H. Armstrong
General Counsel