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Decision

Matter of: Special Applications Group

File: B-417698.2; B-417698.3

Date: February 19, 2019

Joseph M. Goldstein, Esq., and Andrew E. Schwartz, Esq., Shutts & Bowen LLP, for the protester.

Todd R. Overman, Esq., Silvia Yi, Esq., and Roe Talmor, Esq., Bass, Berry & Sims, PLC, for Oak Grove Technologies, LLC, the intervenor.

Michael P. Giordano, Esq., and Catherine Chen, Esq., Department of Justice, 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

1. Protest challenging the agency's evaluation of the awardee's past performance is denied where the evaluation was reasonable and consistent with the solicitation.
 2. Protest challenging agency's evaluation of protester's technical approach is denied where the evaluation was reasonable and consistent with the stated evaluation criteria, or did not prejudice the protester.
 3. Protest challenging the agency's best-value tradeoff determination is denied where the decision was reasonable, consistent with the stated evaluation criteria, and adequately documented as to why awardee's proposal represented the overall best value to the government.
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DECISION

Special Applications Group (SAG), of Tampa, Florida, protests the award of a contract to Oak Grove Technologies, LLC, of Alexandria, Virginia, under request for proposals (RFP) No. DJF-18-2200-PR-000374, issued by the Department of Justice, Federal Bureau of Investigation (FBI), for UH-60 pilot support services for the FBI's Critical Incident Response Group (CIRG). SAG contends the agency's evaluation of offerors' proposals and resulting award decision were improper.

We deny the protest.

BACKGROUND

The mission of the FBI CIRG involves undertaking counter-terrorism operations, responding to critical incidents, and preventing the deployment of weapons of mass destruction. Agency Report (AR), Tab 4, RFP, Performance Work Statement (PWS) at 6. FBI aviation assets support these missions via a fleet of fixed and rotary-wing aircraft, including Sikorsky UH-60M (Blackhawk) helicopters. Id. In order for CIRG to effectively carry out its unique and often dangerous missions, the overall objective of the procurement was to acquire experienced pilots to provide the agency with a “no-fail, 24 hour, 365 day-per-year response capability.” Id.

The RFP was issued on November 2, 2018, as a service-disabled, veteran-owned small business set-aside, pursuant to the procedures of Federal Acquisition Regulation (FAR) part 15.¹ RFP at 1; COS at 1. The solicitation contemplated the award of a fixed-price contract for a base year with four 1-year options. RFP at 14, 38. In general terms, the contractor was to provide all labor, supervision, and materials necessary for the operation and support (pre-flight, flight, and post-flight) of two UH-60 helicopters to the FBI. RFP at 2; PWS at 6. The RFP established that contract award would be made on a best-value tradeoff basis, based on three evaluation factors in descending order of importance: technical approach; past performance; and price. RFP at 42. The technical approach factor consisted of two subfactors, also in descending order of importance: management and staffing plan; and quality control plan. Id. Additionally, offerors were notified that the technical approach and past performance factors were significantly more important than price. Id.

Eight offerors, including Oak Grove and SAG, the incumbent, submitted proposals by the December 12 closing date. An agency technical evaluation team (TET) evaluated proposals using various adjectival rating schemes set forth in the RFP as follows: exceptional, good, acceptable, marginal, or unacceptable for the technical approach factor and subfactors; and high confidence, significant confidence, satisfactory confidence, limited confidence, no confidence, and unknown confidence (neutral) for the past performance factor. RFP at 43-45. The agency completed its evaluation on April 4, 2019, and subsequently selected Oak Grove for award. AR, Tab 8, TET Proposal Analysis Report at 2; COS at 5.

On June 21, SAG filed a protest with our Office challenging the agency’s evaluation of proposals and resulting award decision. On July 16, the FBI notified our Office that it would take corrective action by reevaluating technical proposals and making a new award decision. Our Office, thereafter, dismissed SAG’s protest as academic based on the announced corrective action. Special Applications Group, B-417698, July 18, 2019 (unpublished decision).

¹ The solicitation was subsequently amended three times. Contracting Officer’s Statement (COS) at 1. Unless otherwise noted, references to page numbers throughout the decision are to the sequential numbering provided by the contracting agency in its report to our Office.

On October 15, the TET completed its reevaluation of proposals, with the evaluation ratings and prices of the Oak Grove and SAG proposals as follows:

	Oak Grove	SAG
Technical Approach	Acceptable	Acceptable
Management and Staffing Plan	Acceptable	Acceptable
Quality Control Plan	Good	Good
Past Performance	Satisfactory Confidence	High Confidence
Price	\$6,151,508	\$7,966,332

AR, Tab 8, TET Proposal Analysis Report at 2.

The agency evaluators also made narrative findings, and identified strengths and weaknesses in the offerors' proposals, in support of the ratings assigned. Id. at 3-13.

On November 4, the contracting officer, acting as the source selection authority (SSA), concluded that Oak Grove and SAG were essentially equal under the technical approach factor. AR, Tab 9, Source Selection Decision Document (SSDD) at 2-3. The contracting officer also concluded that SAG's past performance, while superior to that of Oak Grove, was not "worth the 30% price premium," and that Oak Grove's proposal represented the overall best value to the government. Id. at 7, 9.

After providing SAG with notice of contract award on November 5, and a debriefing on November 9, this protest followed.

DISCUSSION

SAG raises various challenges to the agency's evaluation and resulting award decision. The protester first contends the FBI's evaluation of Oak Grove's past performance was improper. SAG also contends the evaluation of its technical approach proposal was unreasonable. SAG further alleges that even if the agency's underlying evaluation was proper, the resulting best-value tradeoff determination was improper.² Had the FBI conducted a proper evaluation and award determination, SAG argues, SAG would have been selected for award. We have fully considered all of SAG's arguments and,

² Based on the protester's understanding of the awardee's proposal, SAG also challenged the agency's technical approach evaluation of Oak Grove's pilot staffing plan. Protest at 17-18. Prior to the submission of the agency report, the FBI requested dismissal of this allegation, arguing that SAG was speculating as to what Oak Grove had proposed. We agreed, and dismissed the protest ground as factually and legally insufficient. 4 C.F.R. §§ 21.1(c)(4), (f); 21.5(f); Midwest Tube Fabricators, Inc., B-407166, B-407167, Nov. 20, 2012, 2012 CPD ¶ 324 at 3.

although we do not address them all, find they provide no basis on which to sustain the protest.

Past Performance Evaluation of Oak Grove

SAG challenges the evaluation of Oak Grove's past performance. The protester contends that, based on the past performance references considered, it was improper for the FBI to assign Oak Grove a satisfactory confidence rating. Comments and Supp. Protest at 4-10.

An agency's evaluation of past performance, which includes its consideration of the relevance, scope, and significance of an offeror's performance history, is a matter of discretion which we will not disturb unless the assessment is unreasonable or inconsistent with the solicitation criteria. BillsSmart Solutions, LLC, B-413272.4, B-413272.5, Oct. 23, 2017, 2017 CPD ¶ 325 at 4; Jacobs Tech., Inc., B-413389, B-413389.2, Oct. 18, 2016, 2016 CPD ¶ 312 at 6. Where a protester challenges an agency's past performance evaluation, we will review the evaluation to determine if it was reasonable and consistent with the solicitation's evaluation criteria and procurement statutes and regulations, and to ensure that the agency's rationale is adequately documented. DynCorp Int'l, LLC, B-412451, B-412451.2, Feb. 16, 2016, 2016 CPD ¶ 75 at 14; Falcon Envtl. Servs., Inc., B-402670, B-402670.2, July 6, 2010, 2010 CPD ¶ 160 at 7. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that an evaluation was improper. WingGate Travel, Inc., B-412921, July 1, 2016, 2016 CPD ¶ 179 at 4-5; Beretta USA Corp., B-406376.2, B-406376.3, July 12, 2013, 2013 CPD ¶ 186 at 10.

The RFP instructed offerors to identify up to three past performance references relevant to the PWS "on the basis of similarity in size, scope, complexity, technical difficulty, contract type, dollar value and period of performance." RFP at 41. The RFP also established the agency would evaluate the relevance and the quality of an offeror's past performance in order to make a confidence assessment of the ability to successfully perform the contract.³ Id. Relevant to the protest here, the RFP defined the "satisfactory confidence" rating as "[b]ased on the [o]fferor's performance record, some doubt exists that the [o]fferor will successfully perform the required effort. . . ," and the "unknown confidence (neutral)" rating as "[n]o recent/relevant performance record is available or the Offeror's performance record is so sparse that no meaningful confidence assessment rating can be reasonably assigned." Id. at 45.

Oak Grove's proposal identified three prior contracts as evidence of its past performance: (1) a UH-60M and AH-64E (Apache) instructor pilot and maintenance test pilot support contract for the Taiwanese Army; (2) a support services contract for the

³ That is, the "overall relevancy of past performance submitted shall be determined by the extent to which the past performance is comparable and related to the objectives of the procurement and the extent to which it is of similar scope and complexity to the work that is described in the solicitation." Id. at 44.

FBI's Hazardous Devices School; and (3) an expert mission support services contract for CIRG. AR, Tab, 6, Oak Grove Proposal, Vol. III, Past Performance Proposal at 1-14. Oak Grove's proposal also explained the relevance of its references--in subject matter expert skill sets, size, complexity, and recruiting and retention challenges--to the PWS requirements. Id.; see COS at 9-10.

The TET found that Oak Grove's first referenced contract (for Blackhawk and Apache helicopter support for the Taiwanese Army) "closely resemble[d] the objectives sought in the FBI Pilot Support Services procurement" and "demonstrated the capability to provide much of the . . . complexities this solicitation requires," but on a smaller scale, and deemed the referenced contract to be relevant.⁴ AR, Tab 8, TET Proposal Analysis Report, at 5-6. The agency found Oak Grove's other two referenced contracts, which were not "aviation related and d[id] not require any similar performance requirements" but which were of similar (or greater) magnitude and complexity to the PWS requirements, to be somewhat relevant. Id. at 6-7. The TET also considered the responses to the one past performance questionnaire it obtained for Oak Grove. Id. at 7. Here, the TET found Oak Grove received "excellent," "very good," and "satisfactory" ratings, and that the agency customer was "very satisfied" with the contractor's performance. Id. Based on the relevance and quality of Oak Grove's references, the TET assigned Oak Grove a satisfactory confidence rating.⁵ Id. at 8.

SAG does not dispute the quality of Oak Grove's past performance. The protester, however, challenges the relevancy determinations for each Oak Grove reference as well as the resulting satisfactory confidence rating. SAG argues Oak Grove "had no truly relevant references"--that the first reference was only somewhat relevant or on the "low end" of the relevant rating spectrum, and the other two references were not relevant--and should therefore have been assigned an unknown confidence (neutral) past performance rating. Comments and Supp. Protest at 5, 9. The agency responds that Oak Grove's references were reasonably found to be either relevant or somewhat relevant, from which it was also reasonable to assign Oak Grove a satisfactory confidence rating (i.e., there was some doubt of the offeror's ability to successfully perform the required effort). Memorandum of Law (MOL) at 2-3; COS at 8-11.

⁴ The TET characterized the relevancy of offerors' past performance references as either "very relevant" (i.e., efforts involving essentially the same scope and complexities as the PWS requirements), "relevant" (i.e., efforts involving much of the scope and complexities as the PWS requirements), "somewhat relevant" (i.e., efforts involving some of the scope and complexities as the PWS requirements), or "not relevant" (i.e., efforts that did not involve any of the scope and complexities as the PWS requirements). COS at 8-9.

⁵ By contrast, the TET generally found SAG's past performance references to be very relevant and assigned SAG a high confidence rating, which was two levels higher than the rating assigned to Oak Grove. Id. at 9-12.

We find the agency's past performance evaluation of Oak Grove to be unobjectionable. Here, with regard to Oak Grove's first referenced contract, the TET reasonably recognized the referenced contract closely resembled the objectives and the complexities of FBI's pilot support services procurement, but that it involved mainly pilot instruction functions, did not demonstrate program management responsibility, and was noticeably smaller in size. AR, Tab 8, TET Proposal Analysis Report at 5-6. As the reference was found overall to involve much, but not all, of the scope and complexities as the PWS requirements, the TET reasonably considered it to be relevant. Id. at 5; COS at 9.

Similarly, with regard to Oak Grove's other two references, the agency expressly recognized that the contracts were not aviation-related and did not involve similar performance requirements. AR, Tab 8, TET Proposal Analysis Report at 6-7. However, the TET reasonably found the magnitude and complexity of these contracts, including the requirement for staffing specialized personnel over a prolonged period time, made these references somewhat relevant. Id. As set forth above, the RFP established that the relevancy of an offeror's past performance would be determined by the similarity in both "scope and complexity" to the PWS requirements. RFP at 44. The agency's decision to evaluate the magnitude and complexity of Oak Grove's prior efforts, as well as their scope, was therefore reasonable and consistent with the stated evaluation criteria. American W. Laundry Distribs., B-413377, Sept. 27, 2016, 2016 CPD ¶ 275 at 3.

Additionally, with regard to the evaluation of Oak Grove's second and third references, we find SAG's reliance on our decision in KMR, LLC, B-292860, Dec. 22, 2003, 2003 CPD ¶ 233, to be misplaced. In KMR, we found that the agency had not rationally explained, nor did the record indicate, how the awardee's past performance references could be considered relevant, that is, "same or similar" to the effort described in the solicitation. Id. at 5. Here, by contrast, the FBI found Oak Grove's second and third references to be only "somewhat relevant"--that is, efforts involving some of the scope and complexities as the PWS requirements--and fully explained the rationale for its determinations.⁶

In sum, the record reflects the TET "pulled no punches" when assessing the scope and complexity of Oak Grove's references as compared to the PWS requirements. SAG also has not identified any significant, relevant, and reasonably available information that the agency did not consider. Instead, SAG essentially disagrees with the evaluators' assessments and conclusions regarding whether Oak Grove's references involved much, some, or none of the scope and complexities as the PWS requirements.

⁶ In KMR, the agency also subsequently found the awardee's nonrelevant past performance to be "roughly equivalent" to that of the protester who had directly relevant prior experience. Id. at 4. Here, by contrast, the FBI's evaluation and best-value tradeoff determination clearly recognized that SAG's past performance was deserving of a higher confidence rating than that of Oak Grove. AR, Tab 8, TET Proposal Analysis Report at 12; Tab 9, SSDD at 7.

However, a protester's disagreement with an agency's judgments, without more, is insufficient to establish that the evaluation was unreasonable. WingGate Travel, Inc., *supra*; Beretta USA Corp., *supra*.

Likewise, with regard to the reasonableness of the agency's ultimate determination to assign a satisfactory confidence rating to Oak Grove's past performance, we conclude that the agency's judgments and its overall assessment of Oak Grove's past performance were reasonable. Accordingly, SAG's protest challenging the reasonableness of the agency's assessment of a satisfactory confidence rating for Oak Grove's past performance is denied.

Technical Approach Evaluation of SAG

SAG also challenges the agency's evaluation of its technical proposal. Specifically, the protester alleges that the evaluation of its pilot-staffing approach was unreasonable. Additionally, the protester maintains that the agency unreasonably gave SAG a de facto weakness for not providing letters of intent and unreasonably found SAG gave no details about how it planned to hire its employees.

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 regarding a proposal's relative merits, as the evaluation of proposals is a matter within the agency's discretion. Peraton, Inc., B-417088, B-417088.2, Feb. 6, 2019, 2019 CPD ¶ 190 at 5; 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 and consistent with the stated evaluation criteria and applicable procurement statutes and regulations, and adequately documented. Management Sys. Int'l, Inc., B-409415, B-409415.2, Apr. 2, 2014, 2014 CPD ¶ 117 at 5; Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's disagreement an agency's evaluation judgments, without more, is insufficient to establish that the evaluation was improper or lacked a reasonable basis. Lanmark Tech., Inc., B-408892, Dec. 19, 2013, 2013 CPD ¶ 295 at 5.

The RFP established that, under the management and staffing plan subfactor, offerors' proposals would be evaluated "based on the effectiveness and efficiency with which the plan increases the likelihood of successful contract performance A higher rating will be given to proposals that demonstrate higher efficiencies in staffing and management techniques and ensure objectives of the PWS are met or exceeded." RFP at 42-43.

SAG, as part of its management and staffing plan, proposed a continuation of its incumbent "8 + 1" staffing solution, consisting of 8 pilots and one on-site alternative program manager who was also dual-hatted as a pilot. AR, Tab 5, SAG Proposal, Vol. II, Technical Proposal at 6-7. SAG's technical proposal also represented that "[t]he

'8+1' approach is a very effective and proven solution that meets all PWS requirements and manages [performance] risk" Id. at 6.

The TET found SAG had submitted a detailed staffing plan that both demonstrated an adequate understanding of, and met, all PWS requirements. AR, Tab 7, SAG Consensus Evaluation Report at 2. However, the agency also found SAG's "8+1" pilot staffing plan introduced potential inefficiencies by adding an unnecessary level of bureaucracy associated with an on-site program manager who was not expected to perform alert duties, and assigned this aspect of SAG's proposal a minor weakness.⁷ AR, Tab 7, SAG Consensus Evaluation Report at 2. Based on this minor weakness--which was found to have little or no impact on contract performance--as well as a slight strength related to SAG's ability to maintain incumbent personnel (as the offeror stated it intended to do), the TET assigned an acceptable rating to SAG's management and staffing plan.

SAG contends that it was unreasonable for the agency to assign a weakness to its 8+1 pilot staffing approach. In support thereof, the protester states that it proposed to continue its incumbent contract approach, for which the agency's contracting officer representative recently gave SAG "very good" and "satisfactory" ratings on its contractor performance assessment reporting system (CPARS) report. Comments and Supp. Protest at 10-15; Protest at 18.

The agency argues that the staffing and management plan evaluation factor was to assess both the effectiveness and efficiency of an offeror's proposed approach. MOL at 5. As the agency also notes, however, the criticism regarding the efficiency of the 8+1 pilot staffing plan was also leveled against Oak Grove, which had proposed the same approach. Supp. MOL at 10; AR, Tab 9, SSDD at 5. Thus, even if the agency's evaluation was not consistent with the solicitation, there was no possibility on this record of competitive prejudice to SAG because the agency assessed the same weakness to Oak Grove's proposal.

Competitive prejudice is an essential element of every viable protest. Engility Corp., B-413120.3 et al., Feb. 14, 2017, 2017 CPD ¶ 70 at 17. To succeed in its protest, the protester must demonstrate not only that the agency failed to evaluate proposals in accordance with the solicitation and applicable regulations, but also that the failure could have materially affected the outcome of the competition. Sunrise Med. HHG, Inc., B-310230, Dec. 12, 2007, 2008 CPD ¶ 7 at 9; McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3. Because SAG and Oak Grove had the same weakness regarding the efficiency of an 8+1 staffing approach, SAG cannot demonstrate that,

⁷ The TET further explained that the 8+1 staffing plan "would require additional flight hours and training required to maintain aircraft currency for a 9th pilot that would not routinely fly," and that the ninth pilot's availability to perform as a crew member was also "limited to 'surges, short absences, and to augment mission support.'" AR, Tab 7, SAG Consensus Evaluation Report at 2, citing AR, Tab 5, SAG Proposal, Vol. II, Technical Proposal, at 12.

even if the agency should not have assessed this weakness, SAG's competitive position would have been improved vis-à-vis Oak Grove. Sunrise Medical HHG, Inc., supra.

SAG also argues that the agency unreasonably assigned it a "de facto weakness" for not providing employee letters of intent and unreasonably found that SAG provided no details about its hiring of employees. Comments and Supp. Protest at 18-23. The protester does not dispute that the TET did not actually assign a weakness to SAG's proposal related to the lack of letters of intent and/or hiring details. Rather, SAG argues that "the FBI still effectively downgraded its proposal to 'Acceptable' [and was unwilling to give SAG a "good" or "exceptional" rating] because it did not include letters of intent." Comments and Supp. Protest at 20. SAG also points to the SSDD in which the SSA, as part of the comparative assessment of the Oak Grove and SAG proposals, stated that "although [SAG] maintain[s] the inherent ability as the incumbent to retain staff, there were similarly no other details, or assurances other than stating the intent within SAG's proposal that incumbent staff would indeed be retained." Id. at 21, citing AR, Tab 9, SSDD at 6. We find no merit in the protester's convoluted argument here.

As a preliminary matter, the record shows the fact that SAG did not provide employee letters of intent--which were not required by the RFP--was not found to be a weakness in the final evaluation of SAG's proposal. In fact, as set forth above, the TET found that "SAG has a slight strength in their inherent ability to maintain incumbent personnel and they have stated their intent to do so." AR, Tab 7, SAG Consensus Evaluation Report at 2. Instead, the record reflects that because SAG's proposal was essentially found to have met, but not exceeded, the RFP's stated requirements, it therefore did not merit the assignment of a rating higher than acceptable.⁸ AR, Tab 9, SSDD at 6. We find nothing improper with the agency's assessment that SAG's proposal met rather than exceeded the RFP requirements as part of its evaluation. Where, as here, contract award is to be made on a best-value tradeoff basis, a comparative assessment of the qualitative differences between the offerors' proposals is required. General Dynamics Info. Tech., Inc., B-415568, B-415568.2, Jan. 25, 2018, 2018 CPD ¶ 63 at 12; DRS Sys., Inc., B-289928.3, B-289928.7, Sept. 18, 2002, 2002 CPD ¶ 192 at 9. Quite simply, the mere fact that an offeror is reasonably found not to exceed the stated requirements does not, as the protester argues, amount to a de facto weakness or imply that the offeror was improperly downgraded.

Best-Value Determination

Lastly, SAG contends that the FBI's award determination was unreasonable. The protester maintains the SSA failed to adequately consider or document the differences in the offerors' past performance when making his best-value tradeoff analysis. Protest and Supp. Comments at 16-18. We disagree.

⁸ In this regard, SAG is also mistaken that it was entitled to a rating of exceptional, or good, merely because it met the stated requirements.

Source selection officials in negotiated best-value procurements have broad discretion in making cost/technical tradeoffs, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the solicitation's stated evaluation criteria. Diversified Tech. & Servs. of Va., Inc., B-412090.2, B-412090.3, Dec. 16, 2015, 2016 CPD ¶ 34 at 11; InfoPro, Inc., B-408642.2, B-408642.3, Dec. 23, 2014, 2015 CPD ¶ 59 at 24. Source selection decisions must be documented, and the documentation must include the rationale for any business judgments and cost/technical tradeoffs made, including the benefits associated with the additional costs. FAR § 15.308; General Dynamics Info. Tech., Inc., B-406059.2, Mar. 30, 2012, 2012 CPD ¶ 138 at 4. However, there is no need for extensive documentation of every consideration factored into a tradeoff decision; rather, the documentation need only be sufficient to establish that the agency was aware of the relative merits and costs of the competing proposals and that the source selection was reasonably based. Diversified Tech. & Servs. of Va., Inc., *supra*, at 12; Wyle Labs., Inc., B-407784, Feb. 19, 2013, 2013 CPD ¶ 63 at 11.

The SSA, when performing his best-value determination, began by reviewing the relative importance of the RFP's stated evaluation criteria--that technical approach was more important than past performance, which was more important than price. AR, Tab 9, SSDD at 1. The SSA then conducted a comparative assessment of the proposals by evaluation factor, including the proposals of Oak Grove and SAG. Under the technical approach factor, the SSA found these proposals to be "essentially equal." *Id.* at 5. Specifically, with regard to the staffing and management plan subfactor, Oak Grove's proposal had a minor weakness not present in SAG's proposal while, with regard to the quality control plan subfactor, Oak Grove's proposal had one more strength than did SAG's. *Id.* at 5-6.

The SSA performed a similar comparison of the proposals under the past performance evaluation factor. Specifically, the SSA found there to be a significant difference between SAG's high confidence rating (based on three very relevant references) and Oak Grove's satisfactory confidence rating (based on one relevant and two somewhat relevant ratings). *Id.* at 6-7. The SSA noted, however, that while there was "[s]ome doubt" that Oak Grove would successfully perform the required effort, this was not based on any negative past performance information regarding Oak Grove, but on the fact that much of Oak Grove's past performance was less relevant, and that the past performance questionnaires for its more relevant past performance could not be obtained despite multiple attempts. *Id.* at 7. The SSA then concluded,

Given these facts, I do not find that the underlying aspects of SAG's past performance which merited the 'High Confidence' Past performance rating is worth the 30% price premium proposed by SAG in comparison to the 'Satisfactory Confidence' rating documented for Oak Grove taking into account the facts surrounding the lower confidence rating assessed by the [T]ET.

Id.

We find the agency's source selection decision was reasonable, consistent with the solicitation's stated evaluation criteria, and sufficiently documented. As the record demonstrates, the SSA properly took into account the relative importance of the RFP's stated evaluation criteria. The SSA also properly looked behind the evaluation ratings and reasonably considered the underlying qualitative merits and relative costs that distinguished the offerors' proposals. With regard to the technical approach factor, the SSA concentrated on the underlying strengths and found the offerors to be essentially equal, which SAG does not dispute. The SSA also reasonably recognized both SAG's past performance advantage and the fact that Oak Grove's lower past performance rating resulted from the relevance, and not the quality, of the offeror's prior work. The SSA then reasonably concluded that, in his judgment, SAG's past performance advantage, while real, did not outweigh Oak Grove's price advantage. Under these circumstances, we see no basis to question the agency's decision to make award to Oak Grove.

We also find no merit in SAG's allegation that the agency failed to explain why the protester's higher-rated (and higher-priced) proposal was not worth the price premium. Comments and Supp. Protest at 16, citing NOVA Corp., B-408046, B-408046.2, June 4, 2013, 2013 CPD ¶ 127. Here, as part of the award decision, the SSA reasonably found that the difference between SAG's and Oak Grove's past performance did not stem from the quality of work previously performed (“[n]o negative [p]ast [p]erformance information was obtained for either [o]fferor”), but from the comparative relevance of offerors' past performance. The SSA explained that this aspect of SAG's past performance, by itself, did not merit the associated price premium, “taking into account the facts surrounding the lower confidence rating assessed to Oak Grove.” AR, Tab 9, SSDD at 7. As the record shows that SAG's past performance advantage was fully acknowledged and documented in the award decision, we will not disturb the agency's broad discretion in making a tradeoff between price and non-price factors. NOVA Corp., supra, at 5.

The protest is denied.

Thomas H. Armstrong
General Counsel