U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: Airbus Helicopters, Inc.

File: B-418444; B-418444.2

Date: May 12, 2020

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DIGEST

1. Protest challenging the agency's evaluation of offerors' technical proposals is denied where the protest allegations are not supported by the record, and the evaluation and source selection decision were reasonable and consistent with the solicitation.

2. Protest that the agency engaged in disparate treatment is denied where the differences in the evaluation stemmed from differences between the offerors' proposals.

DECISION

Airbus Helicopters, Inc., of Grand Prairie, Texas, protests the award of a contract to AgustaWestland Philadelphia Corp. (Leonardo),[1] of Philadelphia, Pennsylvania, under request for proposals (RFP) No. N61340-19-R-0007, issued by the Department of the Navy, Naval Air Systems Command, for 130 commercial helicopters certified under the instrument flight rules to be used for an advanced undergraduate helicopter pilot training systems program. The protester challenges various aspects of the agency's evaluation of offerors' proposals and source selection decision.

[1] AgustaWestland Philadelphia Corp. is a wholly-owned subsidiary of Leonardo S.p.A. (Leonardo). Intervenor Comments at 1. Because the agency report and exhibits refer to the awardee as Leonardo, for consistency, we do the same in this decision.

We deny the protest.

BACKGROUND

The RFP was issued on January 28, 2019, pursuant to Federal Acquisition Regulation (FAR) parts 12 and 15. Agency Report (AR), Exh. 1, Tab A, RFP at 1, 43, 93.[2] The RFP contemplated award of a fixed-price contract for a base period and four option periods. *Id.* at 26, 89-90. The purpose of the RFP is to procure an advanced helicopter training system consisting of specified aircraft, a corresponding ground based training system, and contractor logistics support and maintenance. AR, Exh. 1, Tab B1, Performance Work Statement at 8.

The RFP informed offerors that the agency would evaluate proposals using two factors, technical and price, where the technical factor would be significantly more important than price. RFP at 93. The technical factor included two subfactors listed in descending order of importance: (1) aircraft system; and (2) management and support. *Id.* at 94-95. The RFP advised that the agency would assign a technical rating and a technical risk rating to offerors' proposals under the technical factor, based on the technical rating and technical risk rating assigned under each of the two technical subfactors. *Id.* at 94. The RFP described the technical rating as an assessment of compliance with the solicitation requirements that also considers the benefits and detriments related to program performance and operations. *Id.* The technical risk rating would assess the risk associated with the technical approach in meeting the requirements, considering the potential for disruption of schedule, increase in costs, degradation of performance, need to increase government oversight, or likelihood of unsuccessful contract performance. *Id.* When evaluating the technical factor and subfactors, the following technical ratings would be used: outstanding, good, acceptable, marginal, and unacceptable. *Id.* at 96. In addition, the following technical risk ratings would be used: low, moderate, high, and unacceptable. *Id.*

As relevant here, for the aircraft system subfactor, the RFP instructed offerors to provide documentation "demonstrating how the Offeror's proposed aircraft meets or exceeds the system attributes as identified [in the RFP] and in the respective paragraphs of the [performance based specifications (PBS)]." *Id.* at 84. Under this subfactor, the RFP further specified that the agency would evaluate the proposal's compliance with the solicitation requirements and risk associated with the offeror's approach in the following five elements: (1) overall compliance; (2) instrument training; (3) navigation training; (4) warfighting skills training; and (5) safety. *Id.* at 94. The RFP further indicated that emphasis would be on the first two elements of overall compliance and instrument training. *Id.* The RFP explained that the agency may assess one or more strengths, risk reducers, weaknesses, or significant weaknesses for each element

[2] Unless otherwise noted, citations to the RFP are to the conformed solicitation provided by the agency at Exhibit 1, Tab A, of the agency report.

(except for overall compliance, for which strengths would not be assessed) "based on the degree to which the Offeror's proposed attribute solutions, as a whole, provide[] the highest quality solution."[3] *Id.*

The RFP advised offerors that the agency would evaluate each offeror's written proposal in conjunction with the system performance demonstration (SPD), which would not be rated separately, but would be used to facilitate the agency's evaluation of the aircraft system subfactor and "may affect the Aircraft System risk rating." *Id.* at 93-94. The RFP warned offerors that "requirements specified in the SPD that cannot be evaluated and that are not adequately addressed in the written proposal may receive a significant weakness or deficiency." *Id.* at 85. The agency was to conduct both flight and ground SPDs, and provide four agency helicopter pilots and one flight test engineer. *Id.* Each offeror was to provide one aircraft with a representative cockpit configuration and a subject matter expert to assist the pilots in understanding the cockpit controls, at a minimum. AR, Exh. 1, Tab C2-attach. L-2, SPD at 1.

Regarding price, the RFP advised that the agency would evaluate each offeror's total evaluated price for unbalanced pricing and to ensure that the proposed price is within the stated budgetary constraints on a per-contract line item number (CLIN) basis and cumulative basis. RFP at 95. The total evaluated price would consist of the sum of all fixed-price CLINs and a 10-year projected operation and support cost calculated using the Conklin & de Decker Life Cycle Cost Product. *Id.* The RFP informed offerors that the agency intended to evaluate each proposal and award a contract after discussions to the responsible offeror whose proposal, conforming to the solicitation, provides the best value to the government, all factors considered. *Id.* at 93.

The agency received proposals from five offerors, including Airbus and Leonardo. Contracting Officer's Statement/Memorandum of Law (COS/MOL) at 19. After receipt of written proposals, the agency conducted SPDs with each offeror's aircraft. *Id.* at 21, 29, 72. The agency eliminated one offeror from the competitive range and conducted multiple rounds of discussions with the remaining offerors, including Airbus and Leonardo. *Id.* at 19-23. Discussions consisted of issuing evaluation notices (EN), holding oral discussions "to ensure the ENs were well understood prior to the submittal of written responses," and permitting the offerors to submit proposal revisions. *Id.* at 20; AR, Exh. 17, Source Selection Evaluation Board (SSEB) Final Report at 4-5. The agency received final proposal revisions from the remaining offerors, including Airbus and Leonardo, prior to the due date of October 31. *Id.* at 5.

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[3] The RFP stated that a risk reducer is an "aspect of an Offeror's proposal that reduces risk in a way that will be advantageous to the Government during contract performance." RFP at 96. The RFP defined a weakness as a "flaw in the proposal that increases the risk of unsuccessful contract performance," and a significant weakness as a "flaw in the proposal that appreciably increases the risk of unsuccessful contract performance." *Id.* at 97.

The agency evaluated the final proposals of Airbus and Leonardo as follows:

		AIRBUS	LEONARDO
Technical	**Rating**	Good	Outstanding
	Risk	Moderate	Low
Aircraft System	**Rating**	Good	Outstanding
	Risk	Moderate	Low
Management and Support	**Rating**	Outstanding	Outstanding
	Risk	Low	Low
Total Evaluated Price		$1.3128 billion	$1.398 billion

AR, Exh. 19, Source Selection Advisory Council (SSAC) Proposal Analysis Report (PAR) at 3.

As relevant here, for the aircraft system subfactor, the agency assigned the following to Airbus's proposal: one significant weakness, two weaknesses, and eight risk reducers under the overall compliance element; one strength under the warfighting skills training element; and one strength under the safety element. AR, Exh. 17, SSEB Final Report at 62. For the same subfactor, the agency assigned the following to Leonardo's proposal: five risk reducers under the overall compliance element; and one strength each under the instrument training, navigation training, warfighting skills training, and safety elements. *Id.* at 25-26.

After reviewing the SSEB's evaluations and the SSAC's analysis and conducting an independent assessment of the merits of the offerors' proposals, the source selection authority (SSA) concluded that Leonardo's proposal provided the best value to the government. AR, Exh. 20, Source Selection Decision Document (SSDD) at 2, 7.

On January 13, 2020, the agency awarded the contract to Leonardo and notified Airbus. COS/MOL at 24. Following a debriefing that concluded on January 29, Airbus filed this protest.

DISCUSSION

The protester primarily argues that the agency unreasonably and disparately evaluated the offerors' technical proposals under the aircraft system subfactor. The protester also challenges the source selection decision as unreasonable and based on a flawed technical evaluation. As discussed below, we find no basis to sustain the protest.[4]

[4] Airbus's initial and supplemental protests raise multiple allegations. While our decision here does not specifically discuss each and every argument or variation of the arguments, we have considered all of Airbus's assertions and find no basis to sustain the protest. For example, the protester initially challenged the agency's price evaluation, as well as various other aspects of the agency's evaluation of the awardee's technical proposal. *See* Protest at 46-52. The protester did not file comments in

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As an initial matter, we note that an agency's evaluation of technical proposals is primarily the responsibility of the contracting agency, since the agency is responsible for defining its needs and identifying the best method of accommodating them. *Airborne Tactical Advantage Co., LLC*, B-414929.2, B-414929.3, Sept. 28, 2018, 2018 CPD ¶ 342 at 8. In reviewing protests challenging an agency's evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency, but rather examines the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. *Native Energy & Tech., Inc.*, B-416783 *et al.*, Dec. 13, 2018, 2019 CPD ¶ 89 at 3-4. 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. *Veterans Evaluation Servs., Inc., et al.*, B-412940 *et al.*, July 13, 2016, 2016 CPD ¶ 185 at 8-9.

Technical Evaluation of Airbus's Aircraft System

As noted, of the five elements under the aircraft system subfactor, the RFP stated that emphasis would be on the first two elements--overall compliance and instrument training. RFP at 94. In its evaluation of Airbus's proposal under the overall compliance element, the agency assigned one significant weakness and two weaknesses as follows: a significant weakness for autorotation (AV-027); a weakness for mission profile on low-side emergency procedure (AV-008); and a weakness for cockpit controls and display (AV-121).[5] AR, Exh. 17, SSEB Final Report at 62. The agency also assigned to Airbus's proposal eight risk reducers under the overall compliance element, one strength for the warfighting skills training element, and one strength for the safety element. *Id.*

The protester challenges multiple aspects of the agency's evaluation of its technical proposal under the aircraft system subfactor. For example, the protester argues that the significant weakness and weaknesses identified by the agency are unreasonable and contrary to the solicitation. Protest at 13-36. The protester also contends that the agency should have identified additional strengths and risk reducers in Airbus's technical proposal under various elements of the aircraft system subfactor. *Id.* at 36-45. The agency argues that it reasonably assigned a significant weakness and weaknesses, as well as strengths and risk reducers, based on Airbus's proposal and

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response to the agency's substantive responses to its arguments. *See* COS/MOL at 67-82; *see, generally,* Comments. We consider these protest grounds to be abandoned, and they are therefore dismissed. 4 C.F.R. § 21.3(i)(3).

[5] We note that throughout the record and the pleadings, specific attributes in the PBS are referenced by the paragraph numbers in the PBS in the format of AV-000. For consistency, we also refer to these PBS attributes using this numbering system.

the solicitation requirements. Based on our review of the record, we find that the protester's allegations are without merit.[6] We address some representative samples below.

Power Recovery Autorotation Procedure

The protester argues that the agency unreasonably assigned a significant weakness to Airbus's technical proposal based on its approach to the power recovery autorotation procedure under the aircraft system subfactor. Protest at 19-27. The agency responds that its evaluation of Airbus's proposed approach to power recovery autorotation procedures was reasonable and in accordance with the solicitation. COS/MOL at 33-38. Specifically, the agency asserts that its findings with respect to the range of rotor speed during autorotation procedures, as demonstrated by Airbus's aircraft, were reasonable and supported by the agency's contemporaneous observations, as well as the flight data collected by Airbus during the SPD. *Id.* The agency also argues that it properly considered Airbus's responses during discussions in deciding to assign a significant weakness associated with the autorotation procedure in its final evaluation of Airbus's proposal. *Id.* at 35-36.

As noted, for the aircraft system subfactor under the technical factor, the RFP instructed offerors to provide documentation "demonstrating how the Offeror's proposed aircraft meets or exceeds the system attributes as identified [in the RFP] and in the respective paragraphs of the PBS." RFP at 84. The PBS identified autorotation (AV-027) as one of the requirements under the overall compliance element and required that the proposed aircraft "*shall* be capable of conducting power recovery autorotations with engines disengaged from the rotor system."[7] AR, Exh. 1, Tab B2, PBS at 6. The RFP advised that all proposed aircraft would undergo an SPD in accordance with the RFP, and that the SPD would be considered an aspect of the verification of the overall

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[6] For example, the protester challenges the agency's assignment of a weakness for its low side emergency procedure under the PBS attribute AV-008, arguing in part that this procedure was not required under the RFP and was, in fact, prohibited under the Navy's Chief of Naval Air Training (CNATRA) operating procedures referenced in the RFP. Protest at 35. However, the record shows that the RFP informed offerors that the agency would evaluate proposals under the PBS attribute AV-008 by verifying performance of low side power failure emergency procedures during the SPD. AR, Exh. 1, Tab C2, attach. L-2, SPD at 6. The protester's arguments in this regard, including allegations of conflict with other parts of the RFP (*e.g.*, CNATRA procedures), constitute an untimely challenge to the terms of the solicitation, which should have been raised prior to the closing time for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1); *see AmaTerra Envtl. Inc.*, B-408290.2, Oct. 23, 2013, 2013 CPD ¶ 242 at 3.

[7] The PBS contains two categories of requirements: (1) minimum acceptable capabilities, functionality, interfaces, or environmental factors, represented by "shall" statements; and (2) desired capabilities, functionality, or interfaces, represented by "should" statements. PBS at 2.

compliance element, to "demonstrate the proposed aircraft's ability to support the Appendix B Mission Profiles called out in AV-008 of the PBS that represent the CNATRA training curriculum." RFP at 85; *see* PBS at 5, 31-36. As relevant here, power recovery autorotations were included as part of the contact training profile in Appendix B of the PBS. PBS at 33.

In order to address this issue, we first provide a brief background on the autorotation procedure. The agency explains that under powered flight operation, helicopters rely on an engine (or engines) to produce rotational thrust that transfers through drive shafts and gearboxes to the main rotor system (blades atop the helicopter) by a mechanical transmission system, which generates lift by maintaining main rotor speed. AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 3. Main rotor speed is referred to as Nr.[8] *Id.* If an engine fails, it cannot produce rotational thrust to propel the main rotor system. *Id.* However, in the event of an engine failure during flight, the main rotor can continue to rotate--or autorotate--by mechanically disconnecting, or "decoupling," from the engine. *See id.* at 7. Autorotation is an emergency condition that occurs when a helicopter experiences a total loss of engine thrust. *Id.* at 3. When engine thrust is lost, a condition of non-powered flight results in which rotor speed and lift is generated by airflow moving upward through the rotor system rather than by the engine. AR, Exh. 2, Tab LL, Flight Training Instruction at 5-4. During an autorotation, engine thrust is lost, so that the "[r]otor speed and lift are sustained by energy that is derived from the [air] stream passing upward through the rotor system as the helicopter descends," rather than by the engine. *Id.* at 5-4.

Student pilots practice power recovery autorotation procedures to develop skills necessary to fly and land a helicopter in the event of engine failure. *Id.* at 5-1, 5-4; AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 6. During a power recovery autorotation procedure, the student pilot must disengage, or decouple, the engine from the rotor system to mimic power loss and operate the aircraft in autorotation, and then reengage, or recouple, the engine while still in the air to resume normal operations. *Id.* at 7. During the procedure, when the engine decouples, rotational thrust from the engine(s) is removed from the rotor system and, without this powered source of rotational thrust, aerodynamic drag on each rotor blade slows the main rotor speed (*i.e.*, decreases Nr). *Id*. at 4. Therefore, during autorotation, the pilot must manually control the main rotor speed to ensure that Nr does not fall too low or accelerate too high. *Id.* at 5. This is achieved by adjusting the helicopter's collective (pilot lever that adjusts the angle of main rotor blades at same time, or collectively). *Id*.

[8] Nr is expressed as a percentage of optimal rotations per minute of the main rotor based on usable rotor energy. AR, Exh. 2, Tab LL, Flight Training Instruction at 6-28. For example, with a model TH-57 helicopter, a rotor spinning at 100% Nr produces 100% of its usable rotor energy, while a rotor spinning at 58% Nr produces 0% usable rotor energy, so that a rotor spinning at 90% Nr is only producing 72% of its usable rotor energy. *Id.*

There is a limited, acceptable rotor speed range (Nr range) for continuous operation during autorotation, where no damage to the helicopter occurs. *Id.* The pilot can go above this acceptable rotor speed range, and into a transient range, for a limited time. Exceeding the transient range can cause, at a minimum, helicopter damage. *Id.* Excessive Nr over-speeds can cause catastrophic failure of the rotor system, resulting in a crash. *Id.*

The agency performed autorotation maneuvers during the Airbus SPDs, conducting some of them with engines in FLY mode and others with engines in IDLE mode.[9] *See* AR, Exh. 15, SPD Dance Cards; AR, Exh, 26, Tabs A-C. During the five flight SPDs with Airbus, the agency performed 6 autorotations on flight 2, 6 autorotations on flight 3, and 4 autorotations on flight 5.[10] COS/MOL at 29; AR, Exh. 26, Tabs A-C. The agency opened discussions with offerors after completing its initial evaluation of proposals and SPDs. As relevant here, during the course of discussions, the agency informed Airbus of a significant weakness related to the autorotation capabilities of the Airbus aircraft due to several issues identified during the SPD. AR, Exh. 13, Tab E8, Airbus EN Batch 5 at 2.

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[9] Autorotations may be conducted with the engines in either IDLE mode or FLY mode. The agency explains that when engines are set to IDLE mode, fuel to the engines is reduced to a minimum self-sustaining level causing a reduction in the engine turbine speed. AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 7. In contrast, engines in FLY mode operate in a full power state. *Id.* During flight, if the engine setting is changed from FLY to IDLE, the resulting reduction in engine turbine speed causes the engine to immediately decouple from the rotor, initiating autorotation. *Id.* Conversely, autorotation with engines in FLY mode is achieved by lowering the collective so that the helicopter's descent from altitude creates airstream moving upward through the rotor blade, causing rotor speed to increase and decouple from the engine. *Id.*

[10] The protester contends that the agency also conducted an autorotation maneuver during flight 1, and argues that the agency unreasonably ignored the successful autorotation performed in FLY mode during flight 1. Comments at 3-5; Supp. Comments at 20-21. The agency responds that its evaluation of Airbus's autorotation was properly based only on information from flights 3 and 5 because an autorotation maneuver was never scheduled for flight 1. COS/MOL at 35; Agency Resp. to Comments at 14-15. The record shows that for flight 1, the SPD "dance card," which "documented the specific flight demonstration points and maneuvers for the particular flight" prior to each SPD flight, did not include an autorotation maneuver. Agency Resp. to Comments at 4; AR, Exh. 15, Tab A1a, Airbus Flight 1 Dance Card. On this record, we find that the agency was reasonable in not considering the results of flight 1 in its evaluation of the autorotation capabilities, even if the examination of the flight data and audio/video recordings may show the agency pilot completed a successful autorotation maneuver during that flight.

Specifically, the agency identified the following three issues as related to Airbus's autorotation performance during the SPD flights: (1) engine toggle switch allowed unguarded IDLE to OFF movement, which could result in unintended engine shutdown; (2) procedures to put the engines to IDLE mode for practice autorotations required the instructor pilot to remove hands from flight controls, which could cause delay in the instructor pilot's response in case of student errors; and (3) the rotor speeds at which the engine decoupled from and recoupled with the rotor allowed too narrow a margin for a student pilot to conduct the power recovery autorotation maneuver. *Id.* The agency noted the following with respect to the third issue:

> Full engine disengagement from the rotor system during power recovery autorotations only occurred above approximately [DELETED]% Nr. The power off continuous range is from 85% to 107.5% Nr. This resulted in only [DELETED]% Nr margin in the continuous range in which a student could train with the engines fully disengaged from the rotor system. Due to this small margin and the extremely variable rotor response, particularly between engine coupled and de-coupled flight, it is impracticable to train a student to hold rotor RPM between [DELETED] to 107.5% (i.e., decoupled) during the steady state descent portion of power recovery autorotations and could lead to catastrophic aircraft failure.

Id.

In response, Airbus proposed the following cures for the first two issues: (1) installing a double switch guard to prevent the unintended engine toggle from IDLE to OFF; and (2) conducting autorotation maneuvers with the engine in FLY mode, rather than in IDLE mode, so the instructor pilot need not take their hands off the controls to switch the engine to IDLE.[11] AR, Exh. 13, Tab E20, Airbus EN 21 Response at 1, 3. With the third issue, Airbus confirmed that the aircraft "will decouple Nr from N2 at [DELETED]% Nr as the government has stated."[12] *Id.* at 3. However, when conducting autorotations

[11] Because Airbus proposed conducting autorotations in FLY mode as the mitigation for the agency's concern with the need to switch engine to IDLE mode, Airbus requested in its final proposal revision that the agency "disregard all engine control switch manipulation during autorotation demonstrations during the SPD" and thus only consider power recovery autorotation demonstrations conducted in FLY mode. AR, Exh. 16, Tab R, FPR-1, Rev 2 Change Pages at 1.

[12] N2 refers to the turbine section of the engine, which drives the output shaft that drives the rotor speed when the engine is engaged (or coupled) with the rotor. AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 6-7. Like the rotor speed (Nr), the turbine speed (N2) is expressed as a percentage. *See id.* When the engine and the rotor are coupled, N2 speed is proportionally matched to Nr to maintain N2 and Nr values constant. *Id.* at 7; AR, Exh. 2, Tab LL, Flight Training Instruction at 2-5. During an autorotation procedure, the engine turbine will decouple from the rotor, which severs the mechanical linkage between the engine and the rotor, allowing

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while in FLY mode, Airbus stated that "[a]t the time of decouple, the N2 will decrease from [DELETED]% to [DELETED]% N2 and stabilize," which will offer a range of [DELETED]-107.5% Nr continuous range for the autorotation training. *Id.* Airbus also stated that the agency could utilize a 12-second transient range up to 112% Nr for increased flexibility in autorotation training maneuvers.[13] *Id.*

In its final report, the SSEB assessed a significant weakness for Airbus's autorotation procedures in the overall compliance element of the aircraft system subfactor, finding that Airbus's "procedure for completing a power-recovery autorotation appreciably increases safety and training risk to the Government." AR, Exh. 17, SSEB Final Report at 59. The SSEB also noted that Airbus's discussion responses did not resolve the agency's concerns with respect to autorotations.[14] As relevant here, on the third issue of rotor speed range, the SSEB first stated that the agency observed "extremely variable and rapid rotor response for the impracticality of decoupling the rotor system from the engines while just using the collective" and "aggressive uncoupled rotor

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each component to operate at a speed independent of the other. *See id.* As the pilot manually manipulates the rotor speed by raising or lowering the collective, the engine and the rotor will recouple when the manipulated rotor speed (Nr) matches the independently operating turbine speed (N2), at which point autorotation ends and normal flight resumes. *See* AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 6-7.

[13] The protester explains that this transient range refers to "the range of rotor speed (beyond the continuous rotor speed range) that allows for temporary usage (in this case, 12 seconds)" offering a "'buffer' that provides pilots with additional temporary margin while conducting engine out maneuvers." Protest at 16 n.13.

[14] The protester argues that the agency unreasonably retained this significant weakness when two of the three issues related to Airbus's approach to autorotation were resolved during discussions. Protest at 26 (arguing it should have been mitigated to at most, a weakness, or eliminated); Comments at 14. We find that the record does not support Airbus's argument. The agency specifically noted, both in the SSEB's final report and in the SSAC's proposal analysis report, that while Airbus's proposed optional double switch guard resolved the one issue with respect to inadvertent engine shutdown from unguarded IDLE to OFF toggle switch, Airbus's discussion responses were inadequate to resolve the agency's concerns on the other two issues. AR, Exh. 17, SSEB Final Report at 59; AR, Exh. 19, SSAC PAR at 8. Specifically, in addition to the rotor speed range issue, the agency found that Airbus's proposal to leave the engine in FLY mode during autorotation training to cure the second issue of pilot's hands off controls when switching engine to IDLE was inadequate because "always leaving the engine in flight would decrease the ability of the proposed [aircraft] to instruct the required rotor rpm management skills." *Id.* On this record, the agency reasonably decided to assign a significant weakness related to autorotation in its final evaluation based on the two remaining autorotation issues.

dynamics" during the SPD. *Id.* at 59-60. Then, noting that Airbus had confirmed decoupling at [DELETED]% Nr when in FLY mode, the SSEB concluded that a student pilot would have to "artificially" target [DELETED]% Nr "to achieve the decoupled rotor response that is desired for training." *Id*. The agency concluded that because the continuous range peaked at 107.5% Nr, "the student pilot cannot realistically target the range of [DELETED]-107.5% Nr . . . given the aggressive uncoupled rotor dynamics observed." *Id.* The agency also noted that, contrary to Airbus's discussion responses, the agency noticed during the SPD that after reaching [DELETED]% Nr and decoupling, the engine speed "did not immediately trim down and stabilize at [DELETED]% N2, but in fact recoupled at approximately [DELETED]% Nr." *Id.*

The SSAC considered the SSEB's evaluations and conducted a comparative analysis. The SSAC report included a dissenting opinion, and the SSAC's response to that opinion. The SSAC concurred with the SSEB assessment that, because of the narrow rotor speed range for performing autorotations, "Airbus' proposed approach for performing power-recovery autorotations appreciably increases the risk to aircrew safety and would likely result in aircraft damage due to rotor overspeed if there were delays in the instructor pilot correcting incorrect student inputs." AR, Exh. 19, SSAC PAR at 8. The minority opinion, however, stated that Airbus's rotor speed limitation has a transient time window of 12 seconds that exceeds the amount of time it typically takes to execute the entire practice autorotation maneuver and is controllable for a typical instructor pilot. *Id.* at 27.

In disputing the SSAC minority's opinion, the SSAC emphasized that the aircraft "is being evaluated as a student pilot training solution and in that context the SSAC majority has determined it proper to rely upon the assessment of how well a proposed solution fulfills that requirement," noting its position that "Airbus's proposed approach to autorotations is assessed to result in an appreciable increase to aircrew safety risk due to significant [instructor pilot] workload, [and] constitutes a significant weakness." [15] *Id.* at 30. Based on the SSEB evaluation and the SSAC majority analysis, the SSA concluded that Airbus's proposed solutions for the autorotation requirement were

[15] The protester also argues that the agency unreasonably failed to consider the SSAC minority opinion with respect to the autorotation. Protest at 27; Comments at 15. The record here, however, does not support the protester's contention. The SSAC's report not only documented the minority opinion of one SSAC member, *see* AR, Exh. 19, SSAC PAR at 27-28, but also documented a thorough response by the other SSAC members where each opinion of the minority was considered and rebutted in detail. *Id.* at 29-32. Moreover, the SSA also documented an independent consideration of both the majority and minority SSAC opinions. AR, Exh. 20, SSDD at 3. Thus, the record shows that the agency duly considered and reasonably disagreed with the SSAC minority opinion in making its source selection decision. The protester's objections to that decision here amounts to nothing more than disagreement with the agency's reasoned judgment. *See Veterans Evaluation Servs., Inc., et al.*, *supra*.

"impractical for training new students in the training environment and carry an appreciable level of risk to aircrew safety." AR, Exh. 20, SSDD at 3.

The protester disputes almost every aspect of the agency's findings on Airbus's autorotation capabilities as demonstrated during the SPD and alleges that the agency misunderstood the Airbus aircraft's rotor speed range (Nr range) available during practice power recovery autorotations and failed to meaningfully consider Airbus's multiple explanations during discussions on this issue. Specifically, the protester argues the following: (1) the protester's analysis of the SPD flight data and the Airbus pilots' recollections of the SPD flights do not support the agency's findings about decoupling and recoupling rotor speeds, or the agency's findings about rotor speed range, during the autorotation maneuvers; (2) any premature recoupling during the SPD autorotations was caused by the Navy pilot's error; and (3) the agency unreasonably penalized Airbus for suggesting the optional use of transient range to increase the autorotation flexibility.[16] Protest at 19-25; Comments at 1-14. After considering each of the protester's arguments, we find that none have merit.

Decoupling, Recoupling, and Range of Rotor Speed

First, with respect to the aircraft's rotor speed at decoupling, Airbus repeatedly confirmed in its discussion responses and final proposal revisions that its aircraft's rotor decoupled at [DELETED]% Nr when performing autorotations in FLY mode, which was recommended by Airbus, as follows:

- "The aircraft in this type of Flight mode practice autorotation, which is encouraged by Airbus, will decouple Nr from N2 at [DELETED]% Nr as the government has stated." AR, Exh. 13, Tab E20, Airbus EN Response for Batch 5 at 3.

[16] The protester also argues that the agency erroneously established a target rotor speed for decoupling for all helicopters as 100% Nr and applied it as an unstated evaluation criterion. Protest at 22-24; Comments at 13. We find the protester's argument in this regard to be a mischaracterization of the agency's evaluation with respect to the autorotation rotor speed range. The agency states that the "student pilot is required to target a standard autorotative rotor rpm as if the engines had failed (which typically is 100% in an actual emergency)" in the context of noting that re-creating this condition was "not possible with the engines in 'FLY' [mode]." AR, Exh. 17, SSEB Final Report at 60. However, nothing in the record indicates that the agency considered 100% Nr as a target rotor speed for decoupling or used it as an unstated evaluation criterion in its evaluation of Airbus's autorotation capability. Instead, the agency articulated that its main concern with the decoupling occurring at [DELETED]% Nr was that there was only [DELETED]% Nr range between decoupling and the continuous range's upper limit of 107.5% Nr and the recoupling at [DELETED]% Nr. *Id.* On this record, we find no merit to the protester's argument.

- "Nr and N2 decouple at [DELETED]% as a feature of the aircraft." AR, Exh. 16, Tab B, Airbus Pre-FPR Response to Interim Evaluation Letter at 2.

- "The autorotation demonstrations, during the SPD, satisfied the PBS requirements of AV-027 'conducting power recovery autorotation with engines disengaged from the rotor system' because during the autorotative descent the Evaluation team noted rotor disengagement at [DELETED]% Nr." AR, Exh. 16, Tab R, FPR-1, Rev 2 Change Pages at 1.

The protester, based on expert analysis of the flight data from the SPDs, now argues that decoupling occurred at a lower Nr during the SPD autorotations and, while it is accurate that decoupling may occur at [DELETED]% Nr, this is the uppermost limit. *See* Comments at 5-10; Resp. to Agency's Additional Briefing, Apr. 15, 2020, at 7-8.

The agency explains that for each SPD there was an agency pilot and flight test engineer that recorded their observations of the flight and discussed them with the rest of the SPD team. Agency Additional Briefing, Apr. 10, 2020, at 1. Two offerors, including Airbus, also provided raw flight data of the SPDs. *Id.* The agency states it used this flight data where necessary to inform its evaluation. *Id*. In this regard, the solicitation stated that "[a]ssessments [made during the SPDs] will be primarily qualitative in nature, with quantitative methods used to support the assessment." AR, Exh. 1, Tab C2-Attach. L-2, SPD at 9. During the SPDs, the agency pilot observed and noted decoupling occurring at [DELETED]% or higher and expressed concern. Agency Additional Briefing, Apr. 10, 2020, at 1. As noted, the agency expressed this concern in its ENs submitted to Airbus.

An offeror bears the burden for failing to submit an adequately written proposal. *Ultra Elecs. Ocean Sys., Inc.*, B-400219, Sept. 8, 2008, 2008 CPD ¶ 183 at 9. Airbus provided written responses regarding autorotation and flight data to the agency. In its written responses, Airbus, which had the SPD flight data, affirmed the agency's qualitative assessments and even now affirms that decoupling occurs at [DELETED]% Nr at the uppermost limit. We find that the agency acted reasonably in relying on the explicit information Airbus provided during discussions and in its final proposal, which was in line with the contemporaneous observations of the agency's pilots. The agency was not required to use quantitative methods--the flight data--to support or contradict its qualitative assessments about decoupling when Airbus had already confirmed them.

Second, with respect to rotor speed at recoupling and the range available to complete the autorotation maneuver, the protester's main reason for disagreeing with the agency's conclusions is the same one Airbus offered during discussions: the engine speed (N2) will decrease to [DELETED]% N2 after decoupling from the rotor at [DELETED]% Nr, permitting a broader range of [DELETED]-107.5% Nr in which to perform the autorotation maneuver before recoupling would occur.[17] Protest at 19-21.

[17] As noted, once the engine decouples from the rotor, the engine turbine speed (N2) and the rotor speed (Nr) diverge as the aircraft enters autorotation. *See* AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 6-7; AR, Exh. 2, Tab LL, (continued...)

In making this argument, the protester disputes the agency's observation during the SPD that "after reaching [DELETED]% Nr during the descent portion of a power recovery autorotation with the engine control switches in the flight [FLY] position, N2 did not immediately trim down and stabilize at [DELETED]% N2, but in fact recoupled at approximately [DELETED]% Nr." AR, Ex. 17, SSEB Report at 60. In support of its position, Airbus offers declarations from its pilots with respect to their observations of the SPD flights, as well as its technical analysis of the SPD flight data, purporting to show that recoupling occurred at a rotor speed much lower than [DELETED]% Nr in all but two of the autorotations performed during the SPD, and that those two instances of recoupling at [DELETED]% Nr were due to the agency pilot's error. Resp. to Agency's Additional Briefing, Apr. 15, 2020, at 8; *see* Comments at 3-10; Supp. Comments at 19-22; *see* Protest, exh. H, Raw Data Plots from Airbus SPD; Comments, exh. 1, Decl. of Airbus Experimental Test Pilot, and exh. 3, Decl. of Airbus Chief Pilot for North America. Airbus maintains that recoupling occurred at rotor speeds as low as [DELETED]% Nr in some of the SPD autorotations and therefore, the autorotation range is around [DELETED]% Nr to 107.5% Nr. *Id.*

The agency disagrees with the protester's proffered declarations and data analysis, offering in rebuttal declarations of the agency pilot who conducted the SPD flights and the agency's analysis of the flight data. COS/MOL at 30, 34-36; Agency Resp. to Comments at 14-22; Agency Additional Briefing, Apr. 10, 2020, at 5-7. As noted earlier, in reviewing protests challenging an agency's evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency, but rather examines the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. *Native Energy & Tech., Inc.*, *supra*.

With respect to flights 3 and 5, we note that the protester does not dispute the flight data showing that the recoupling did occur at around [DELETED]% Nr, as stated in the agency's evaluations. Instead, the protester alleges that the agency unreasonably failed to positively evaluate the instances where the recoupling occurred below [DELETED]% Nr. Resp. to Agency's Additional Briefing, Apr. 15, 2020, at 8. The agency argues that the significant weakness was based on the two autorotation maneuvers where the agency observed, and documented, difficulty decoupling the engine from the rotor until [DELETED]% Nr, recoupling occurring at [DELETED]% Nr, and where there was "extremely variable rotor response (Nr fluctuation) observed after decoupl[ing]." Agency Additional Briefing, Apr. 10, 2020, at 12; *see also* AR, Exh. 17, SSEB Final Report at 60. Here, we do not find objectionable the agency's conclusion that Airbus's autorotation rotor speeds presented an appreciable risk based on autorotation performance during two of the autorotation maneuvers attempted during

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(...continued)
Flight Training Instruction at 2-5. Recoupling occurs when, during the autorotation maneuver, Nr is adjusted by manual manipulation of the collective to match N2, which reengages the engine with the rotor and ends the autorotation maneuver. *See id.*

the SPD, particularly given the repeated emphasis in the record on ensuring that the maneuver was safe and suitable for the purpose of training inexperienced student pilots. *See* AR, Exh. 19, SSAC PAR at 30; AR, Exh. 20, SSDD, at 3.

Alleged Agency Pilot Error

The protester also alleges that the two instances of "premature" recoupling at [DELETED]% Nr were the result of pilot error caused by the agency test pilot's inexperience, or lack of recent experience, with dual-engine helicopters. *See* Comments at 6-10. The agency has provided the credentials of the agency pilot who conducted the SPD flights 3 and 5, showing that he is a U.S. Naval Academy graduate, an experienced test pilot with 2,735 hours of operational and test flight experience, and has experience teaching autorotative flight in single- and dual-engine aircrafts. AR, Exh. 14, Tab C13 SPD Team Experience; AR, Exh. 26, Tab A, Decl. of Aerospace Engineer/Experimental Test Pilot at 1; *see* Agency Resp. to Comments at 15 (explaining that five of the seven helicopters listed in the agency pilot's declarations relating to teaching are dual-engine helicopters). Moreover, even if we were to find that the premature recoupling was attributable to some operational error by the agency's experienced test pilot, we find reasonable the agency's conclusion that this aspect of the Airbus aircraft's performance "appreciably increases safety and training risk," given that the purpose of the aircraft and the autorotation maneuver is for training inexperienced student pilots. *See* AR, Exh. 17, SSEB Final Report at 59.

Transient Range

Finally, the protester insists that the agency unreasonably penalized Airbus for suggesting the option of using the transient range for increased flexibility to extend the rotor speed range in which to conduct the autorotation training. Protest at 21-22; Comments at 13-14. The record, however, shows that the agency appropriately considered Airbus's proposed use of the transient range and reasonably decided that it does not resolve the agency's concern with Airbus's autorotation performance.

As noted, transient range refers to an additional range of rotor speed that can be used as a temporary margin during engine failure maneuvers. Protest at 16 n.13. In responding to the agency's discussion notice with respect to the significant weakness for autorotation issues, Airbus proposed that the agency could use "a 12 second transient range up to 112% Nr," which "offers much more flexibility to the aircrew and aircraft than the government's current assessment." AR, Exh. 13, Tab E20, Airbus EN Response for Batch 5 at 3. Airbus's final proposal revision included the following:

> Continuous Nr power range is 85% to 107.5%. Power transient is allowed from 107.5% to 112% for 12 seconds. The power off transient has an associated "fast beep" audio alert for crew members. This offers the aircrew a range of [DELETED]-107.5% Nr continuous operation as well as a 12 second transient range up to 112% Nr. To avoid recoupling of the N2 to Nr and to include the transient range, the effective range of Nr during an

> autorotation is [DELETED]-112% Nr. This [DELETED]% Nr margin offers maneuver flexibility to the aircrew and aircraft. This margin also reduces the risk for an Nr overspeed, which would require maintenance action.

AR, Exh. 16, Tab I, Pre-FPR Vol. 2 Rev 1 Change Pages at 1. Given this information in Airbus's discussion responses and final proposal revision, the agency properly considered the offered transient range as Airbus's proposed mitigation for the risk posed by the narrow rotor speed range for conducting autorotations. *See* AR, Exh. 17, SSEB Final Report at 59-60. Moreover, given the aforementioned emphasis on the training purpose of these maneuvers, the agency reasonably concluded that "having a student pilot intentionally utilize the transient Nr range for a steady-state autorotation parameter is not ideal for the training mission." *Id.*

In our view, agency technical personnel, who are most familiar with the government's requirements, are in the best position to make judgments as to whether a particular item meets a solicitation's technical requirements, and this Office will not question those determinations absent a showing that they are unreasonable. *See Airborne Tactical Advantage Co.*, *supra* at 9. In this regard, we will afford particular deference to the technical expertise of agency personnel regarding judgments that involve matters of human life and safety. *Id.* at 10; *Ultra Elecs. Ocean Sys., Inc.*, B-400219, Sept. 8, 2008, 2008 CPD ¶ 183 at 9. A contracting agency has the primary responsibility for determining its legitimate needs and for determining whether an offered item will satisfy those needs, since it is the agency that is most familiar with the conditions under which the supplies or services will be used and because the agency must bear the burden of difficulties incurred by reason of a defective evaluation. *Airborne Tactical Advantage Co.*, *supra* at 10; *Beckman Coulter, Inc.*, B-405452, Nov. 4, 2011, 2011 CPD ¶ 231 at 5. Here, we find no basis to disturb the agency's reasonable judgment and therefore no basis to sustain these protest allegations.

Cockpit Controls and Displays

The protester also challenges the agency's assignment of a weakness for Airbus's approach to cockpit controls and displays (AV-121) under the overall compliance element of the aircraft system subfactor because the agency concluded the display would not allow student pilots to develop strong instrument scan habits. Airbus argues that the agency misunderstood the purpose of its first limit indicator (FLI) display, which was provided as a convenient, additional feature, and did not prevent the student pilot from viewing the standard engine performance display available on the main multi-functional displays (MFD). Protest at 28-32. Specifically, the protester contends that it explained during discussions that FLI is an "additional feature for aircrew use and aircraft quick referencing" and "not a replacement for solid instrument scan procedures," and that "all standard engine performance displays are readily available on the [vehicle management system display] screen typically displayed on" the screen directly in front of the student pilot (MFD2) and the screen between the instructor and the student

(MFD4).[18] Protest at 30; AR, Exh. 13, Tab E22, Airbus EN 23 Response at 2. The agency responds that it reasonably assigned a weakness to Airbus's proposal under this requirement, considering its unresolved concern with the effect of the oversimplified FLI display on student pilots' instrument scanning habits. COS/MOL at 43-45.

With respect to cockpit control and displays (AV-121), the PBS required that the helicopter "automated systems *shall* provide information to keep the aircrew continuously informed of each system's operating mode, intent, function, output, automation failures, and potentially unsafe modes being manually selected." PBS at 13. As noted, Airbus proposed an FLI display for the student pilot (MFD2) screen. The agency assigned a weakness to Airbus under this requirement, noting that the "combination of the FLI and [one engine inoperative (OEI)] performance representation presents a risk to the training mission for developing strong instrument scan habits." AR, Exh. 17, SSEB Final Report at 61. The SSAC and the SSA concurred with the SSEB's assessment, noting that Airbus's FLI display was "overly simplistic in nature and would ultimately lead to ineffective and inefficient scan patterns when applied to other aircraft in the Fleet." AR, Exh. 20, SSDD at 3. The record here shows that although the agency viewed the FLI as a feature proposed by Airbus, the agency's evaluation of the feature was that it did not provide the student pilot with the ability to develop strong instrument scan habits because of its overly simplified presentation of engine power conditions. AR, Exh. 17, SSEB Final Report at 60.

According to Airbus, the screen directly in front of the student pilot (MFD2) is fixed on the flight navigation display, while the screen between the instructor and the student (MFD4), can show a range of other information, including digital map display and navigation display, as well as the vehicle management system display that shows the actual engine parameters. Comments at 16; *see* AR, Exh. 13, Tab E22, Airbus EN 23 Response at 2. Because the vehicle management system is "typically displayed" on the instructor pilot screen (MFD1) or the screen between the instructor and student pilot (MFD4), the protester argues it is therefore "possible" for the displays to show the actual engine parameters simultaneously with the navigational and map information to train the student pilot on correct instrument scanning habits. Protest at 30; Comments at 15-17.

The agency concluded that having a student pilot rely on a simplified display such as the FLI proposed by Airbus, or toggle the multi-functional screen located between the student and the instructor to display the engine parameters (in instances when it may be set to display another function) may result in "ineffective and inefficient scan patterns." AR, Exh. 20, SSDD at 3. Here, the protester's disagreement with the agency's assessment of Airbus's display for training purposes does not render it unreasonable. *See Veterans Evaluation Servs., Inc., supra.*

[18] MFD1 is the display screen in front of the instructor pilot, while MFD2 is in front of the student pilot and MFD4 is between the student and the instructor. COS/MOL at 39.

The protester also argues that the SSAC and SSDD did not mention the OEI display, even though the SSEB noted that the weakness was assigned for the "combination" of FLI and OEI issues. According to the protester, the OEI issue must have been resolved through discussions and the agency unreasonably assigned a weakness for the FLI issue alone. Comments at 17. However, as the agency points out, there is no requirement that a tradeoff decision include a detailed comparison of proposals under each evaluation factor; it need only identify the differences between the proposals that are of significance for purposes of the tradeoff. *Emergint Techs., Inc.*, B-408410.3, Apr. 4, 2014, 2014 CPD ¶ 123 at 6. Moreover, source selection officials have broad discretion to determine the manner and extent to which they will make use of the technical evaluation results. *See Sevatec, Inc.*, B-416617, B-416617.2, Nov. 1, 2018, 2018 CPD ¶ 379 at 11. Here, we find that the SSA reasonably decided that the risk posed by the FLI warranted assigning a weakness under the cockpit controls and display requirement.

Disparate Treatment

The protester also argues that the agency engaged in disparate treatment when evaluating proposals under the aircraft systems subfactor. Supp. Protest at 3-10. For example, the protester alleges that the agency unreasonably relaxed certain requirements for Leonardo and applied a more exacting standard to Airbus's proposal under the instrument training element. *Id.* at 4-6; Supp. Comments at 4-6.

It is a fundamental principle of federal procurement law that a contracting agency must treat all offerors equally and evaluate their proposals evenhandedly against the solicitation's requirements and evaluation criteria. *See Credence Mgmt. Sols., LLC; Advanced Concepts & Techs. Int'l., LLC*, B-415960 *et al.*, May 4, 2018, 2018 CPD ¶ 294 at 10. Where a protester alleges unequal treatment in a technical evaluation, it must show that the differences in ratings did not stem from differences between offeror's proposals. *WellPoint Military Care Corp.*, B-415222.5, B-415222.8, May 2, 2019, 2019 CPD ¶ 168 at 11. Here, Airbus has not made the requisite showing that the agency treated the two proposals unequally. We discuss one representative sample below.

As noted, PBS attributes consisted of mandatory requirements defined by "shall" statements, and desired capabilities defined by "should" statements. PBS at 2. The instrument training element was composed of three PBS attributes, all of which were defined as "should" capabilities: (1) integrated display control (AV-050); (2) redundant dual band radios (AV-054); and (3) independent declutter (AV-140). RFP at 84; PBS at 8, 11. Specifically, the RFP instructed the offerors to describe the capability of their proposed solution to conduct simulated and actual instrument condition training for student naval aviators using a variety of instrument approach procedures. RFP at 86. The RFP also advised that the agency could assess one or more strengths, risk reducers, weaknesses, or significant weaknesses for each element based on the degree to which the offeror's proposed attribute solutions, as a whole, provided the

highest quality solution. *Id*. at 94. Therefore, under the instrument training element, the integrated display control (AV-050), redundant dual band radios (AV-054), and independent declutter (AV-140) attributes would be evaluated together and any strength, risk reducer, weakness, or significant weakness assessed would be a product of the agency's combined evaluation of the three attributes. *See* RFP at 84, 86; *see also* Supp. Memorandum of Law (MOL) at 6.

The protester argues that the Navy unreasonably credited Leonardo with a strength under the instrument training element because Leonardo did not propose redundant dual band radios in accordance with AV-054 and therefore did not meet one of the three attributes under the element. Supp. Protest at 4; Supp. Comments at 4. Airbus compares the Navy's evaluation of Leonardo's proposal for redundant dual band radios (AV-054) with the evaluation of Airbus's proposal for integrated display control (AV-050). Supp. Protest at 5. According to the protester, the Navy did not credit Airbus with a strength because it unreasonably found flaws with the Airbus integrated display control (AV-050) attribute. *Id*. The protester further argues that, even if the Navy had a reasonable basis for concluding that Airbus's integrated display control (AV-050) attribute contained flaws, the agency unfairly failed to assess whether Airbus's approach was still advantageous to the government, in the same way the agency treated Leonardo's failure to meet the redundant dual band radios (AV-054) attribute.[19] *Id.*; Supp. Comments at 6.

The Navy counters that although Leonardo's proposed solution did not fully meet the redundant dual band radios (AV-054) attribute because it did not provide a backup UHF antenna, it still partially met the "should" statement under the PBS, thereby exceeding minimum requirements. Supp. MOL at 6. Moreover, the agency argues that Airbus's proposed solution under the integrated display control (AV-050) attribute was not advantageous to the government and therefore concluded that Airbus's solution to the instrument training element, as a whole, did not warrant a strength. *Id*. at 8. Thus, the Navy argues that its evaluation of the relative merits of the offerors' proposals under the

[19] Airbus also argues that the Navy improperly evaluated proposals for redundant dual band radios (AV-054) because the agency did not consider Airbus's full compliance with this attribute under the instrument training element. Supp. Protest at 5; Supp. Comments at 6. However, the agency's evaluation acknowledged that Airbus's proposal fully complied with the PBS "should" requirement for redundant dual band radios (AV-054), noting that Airbus's approach "allows aircrew greater flexibility in radio frequency selection and provides increased situational awareness of the aircrew during training, thereby, improving safety for the aircrew." AR, Exh. 17, SSEB Final Report at 47. Thus, we find that the Navy appropriately credited Airbus for its full compliance for redundant dual band radios (AV-054); however, the agency still maintained concerns with Airbus's proposed solution for integrated display control (AV-050). *See* AR, Exh. 17, SSEB Final Report at 47-48; AR, Exh. 19, SSAC PAR at 6; AR, Exh. 20, SSDD at 2-3.

instrument training element was fair, reasonable, and based on the differences in the proposed solutions. *Id.* at 9-10.

Because Leonardo's proposed solution for redundant dual band radios (AV-054) included redundant VHF antennas but only one UHF antenna without a backup, the agency assessed Leonardo as offering limited dual band radio redundancy. AR, Exh. 17, SSEB Final Report at 10, 25. The SSAC noted that, even with the limited redundancy for UHF communications, the remaining dual band capability and minimal redundancy of each required radio would still benefit the government by increasing flexibility within the training curriculum. AR, Exh. 19, SSAC PAR at 4. In addition, because the agency found Leonardo's proposal regarding integrated display control (AV-050) and independent declutter (AV-140) to be advantageous, the Navy concluded that Leonardo's proposed approach for the instrument training element, as a whole, exceeds requirements in a way that would be advantageous to the government. AR, Exh. 17, SSEB Final Report at 9-11.

In contrast, although the record shows that Airbus fully met the "should" statements for redundant dual band radios (AV-054) and independent declutter (AV-140), the agency found that Airbus's proposed solution for integrated display control (AV-050) did not include instrument control integration into the pilot's displays. AR, Exh. 19, SSAC PAR at 6. The agency noted that Airbus's proposed solution for integrated display control (AV-050) resulted in "heads-down" time because the controls for some of the avionics equipment were located in the center console of the aircraft, rather than the pilot's displays.[20] *Id*. The agency explained that this would result in pilots looking away from the pilot displays and outside horizon in order to control certain avionics, thus inhibiting situational awareness.[21] *Id*. As a result, the agency concluded that Airbus's proposed instrument training solution, as a whole, would not enhance instrument training in a way that would be advantageous to the government and declined to assign a strength to Airbus's proposal for this element. *Id.* at 6-7; AR, Exh. 20, SSDD at 2-3.

Based on this record, we find no basis to question the agency's assessment of a strength for Leonardo's approach, or its decision not to assess a strength for Airbus's approach, under the instrument training element. As noted, the agency identified specific benefits in Leonardo's approach to this element when it found that Leonardo

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[20] The Navy defines heads-down time as time when pilots are not looking at aircraft instruments or maintaining situational awareness outside of the aircraft. AR, Exh. 17, SSEB Final Report at 47.

[21] The protester disputes the agency's assessment that the integrated display control proposed by Airbus resulted in "heads-down" time because the controls for some of the avionics equipment were located in the center console of the aircraft. Comments at 24-25. However, the protester's disagreement with the agency's judgment fails to show how the agency's determinations are unreasonable or defective. *See Airborne Tactical Advantage Co.*, *supra* at 10; *Ultra Elecs. Ocean Sys., Inc.*, *supra* at 9.

fully complied with two of the three attributes and partially complied with the third. On the other hand, the record shows that while the agency fully recognized the benefits of Airbus's proposal for redundant dual band radios (AV-054) and independent declutter (AV-140), it also concluded that the failure of Airbus's proposed solution for integrated display control (AV-050) to integrate instrument control outweighed the benefits under the other two attributes and did not warrant a strength under this element. Although Airbus may disagree with the agency's judgements in this regard, on this record, the protester failed to establish that those judgements were unreasonable. *See Laboratory Corp. of Am.*, B-414896.3, B-414896.4, July 13, 2018, 2018 CPD ¶ 264 at 4 (finding no basis to sustain protest where the agency's evaluation was reasonable, and the protester's challenges amount to disagreement with the agency's considered technical judgements regarding the specific elements of an offeror's proposal).

Furthermore, the record here shows that Airbus and Leonardo offered unique solutions to address the requirements under the instrument training element. The fact that only Leonardo was assessed a strength under this element does not reflect an evaluation error, but rather, it highlights the substantive differences between the two proposed solutions. *See WellPoint Military Care Corp.*, *supra* at 12 (finding no disparate treatment when there were clear substantive differences between proposals); *see also Credence Mgmt. Sols., LLC; Advanced Concepts & Techs. Int'l., LLC*, *supra* at 11-12. Because the offeror's proposed approaches were substantively different, we conclude that the proposals were not evaluated in a disparate manner. *Id*.

Comparative Analysis and Source Selection Decision

The protester also asserts that the agency's comparative analysis and source selection decision were flawed because: (1) they were based on defective evaluations and disparate treatment of technical proposals; (2) the agency overlooked positive discriminators in Airbus's favor; and (3) the SSDD failed to adequately support the award decision. Protest at 51-55; Comments at 31-33.

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results, and their judgments are governed only by the tests of rationality and consistency with the stated evaluation criteria. *Client Network Servs., Inc.*, B-297994, Apr. 28, 2006, 2006 CPD ¶ 79 at 9. Where, as here, a solicitation provides for a tradeoff between price and non-price factors, the agency retains discretion to make award to a firm with a higher technical rating, despite the higher price, so long as the tradeoff decision is properly justified and otherwise consistent with the stated evaluation and source selection scheme. FAR 15.101-1(c), 15.308; *ADNET Sys., Inc.*, B-413033, B-413033.2, Aug. 3, 2016, 2016 CPD ¶ 211 at 17. In reviewing an agency's source selection decision, we examine the supporting record to determine if it was reasonable and consistent with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *The SI Organization, Inc.*, B-410496, B-410496.2, Jan. 7, 2015, 2015 CPD ¶ 29 at 14.

Based on our review of the record here, we find that the agency's comparative analysis and source selection decision were reasonable, consistent with the solicitation, and well documented. First, since the record does not support the protester's arguments regarding the agency's evaluation of the offerors' technical proposals, we find no basis to sustain Airbus's assertion that the agency's comparative analysis and source selection decision were flawed in this regard.

Second, the protester argues that the agency overlooked positive discriminators in favor of Airbus, such as the "well-established [instrument flight rules (IFR)] certification" and a dual-engine platform "most similar" to current Navy fleet helicopters, in its best-value decision. Protest at 54; Comments at 31. The agency counters that it properly did not consider these aspects of the protester's proposal because the solicitation did not specify either of these aspects as part of the agency's evaluation criteria. *See* COS/MOL at 82-84; Agency Resp. to Comments at 33-34. The record shows that the solicitation required that the proposed aircraft have a "current" IFR certification, but did not require that such IFR certification be well-established or mature. *See* PBS at 4. Moreover, the solicitation never stated that the proposed aircraft would be evaluated on its similarity to the current Navy fleet; instead, it required each offeror to demonstrate how its proposed aircraft meets or exceeds the system attributes as identified in the RFP and stated that the agency would evaluate each proposal for its compliance with the solicitation requirements and risk associated with the offeror's approach. RFP at 84, 94. On this record, we find no merit in the protester's argument that the agency erred in not considering these unstated evaluation criteria to accord as positive discriminators to Airbus in its best-value decision.

Finally, the protester challenges what it views as a "threadbare" source selection decision, alleging that it provided inadequate support for the agency's conclusion that the awardee's technical advantages justified a higher price. Comments at 31. Specifically, the protester objects to the SSDD that is "only six-and-a-half pages long, and devotes a mere seven-line paragraph to finding that Leonardo's proposal provides the best value to the Government." *Id.* However, our Office has consistently stated that while source selection decisions must be documented, and must include the rationale for any business judgments and tradeoffs made or relied upon by the source selection authority, there is no need for extensive documentation of every consideration factored into a tradeoff decision. *Wellpoint Military Care Corp.*, *supra* at 18; *Addvetco, Inc.*, B-412702, B-412702.2, May 3, 2016, 2016 CPD ¶ 112 at 9. 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. *Id.*

Here, the SSDD includes a detailed discussion of the strengths and weaknesses assigned to each offeror under each technical factor and subfactor, as well as a thorough comparison of the advantages and risks presented by each proposal. *See* AR, Exh. 20, SSDD at 2-7. For example, after discussing in some detail risks presented by Airbus's significant weakness for autorotation and weakness associated with the FLI display, the SSA concludes that to improve its overall technical solution under the

aircraft system subfactor, Airbus would be required to make significant design changes at significant cost outlay. *Id.* at 3, 6. Based on this record, we find that the source selection decision sufficiently documented the agency's consideration of the relative merits and costs of the competing proposals, as well as a reasonable basis for its decision.

The protest is denied.

Thomas H. Armstrong
General Counsel