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Decision

Matter of: Ad Hoc Research Associates, LLC

File: B-420641; B-420641.2

Date: July 5, 2022

Terry L. Elling, Esq., Kelsey Hayes, Esq., and Sean R. Belanger, Esq., Holland & Knight LLP, for the protester.

Jerome S. Gabig, Esq., Wilmer & Lee, P.A., for Advanced Technology Leaders, Inc., the intervenor.

Major Michael R. Tregle, Jr., and Andrew J. Smith, Esq., Department of the Army, for the agency.

Sarah T. Zaffina, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's conduct of discussions is denied where discussions were meaningful and led the offeror into the general areas of its proposal requiring amplification or revision.
 2. Protest that agency disparately evaluated proposals is denied because the record reflects that the differences in evaluations were a result of differences in proposals.
 3. Protest that the agency unreasonably evaluated offerors' non-price proposals is denied where the record shows that the evaluation was reasonable and consistent with the terms of the solicitation.
 4. Protest of the agency's selection of a higher-rated, higher-priced proposal for award is denied where the agency's tradeoff analysis was reasonable and documented.
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DECISION

Ad Hoc Research Associates, LLC (Ad Hoc), a service-disabled veteran-owned small business (SDVOSB), of Havre de Grace, Maryland, protests the award of a contract to Advanced Technology Leaders, Inc. (ATL), an SDVOSB, of Martinez, Georgia, under request for proposals (RFP) No. W91249-21-R-0015, issued by the Department of the Army. The RFP seeks experimentation support for the Cyber Battle Lab (CBL) in Fort

Gordon, Georgia. Ad Hoc challenges the agency's evaluation of offerors' proposals and resulting award decision.

We deny the protest.

BACKGROUND

The CBL, which is part of the Cyber Capabilities Development Integration Directorate at the Army Future Command's Future Concepts Center at Fort Gordon, is the proponent organization for concept development and experimentation in support of cyberspace operations (CO), electronic warfare (EW), Department of Defense Information Network – Army (DODIN-A), and information advantage (IA). Agency Report (AR), Tab 3a, RFP at 6.¹ The CBL is responsible for developing, leveraging, and assessing technologies that enhance the Army's ability to engage in and defend against cyberwarfare. COS at 2. The solicited effort will provide support in the form of experiments, assessments, analyses, and network support to validate proposed new technical solutions to resolve known capability gaps within the cyberwarfare modernization effort. RFP at 6.

Issued on August 12, 2021, as an SDVOSB set-aside under the procedures of Federal Acquisition Regulation (FAR) parts 12 and 15, the solicitation contemplated the award of a single indefinite-delivery, indefinite-quantity contract under which fixed-price and cost-reimbursable task orders would be placed during a 5-year ordering period. RFP at 1, 3-4, 7, 112-113. The RFP provided for award on a best-value tradeoff basis, considering four evaluation factors: technical capability; management and staffing capability; past performance; and price. *Id.* at 114. Technical capability (factor 1) and management and staffing capability (factor 2) were equally important; together these factors were significantly more important than past performance (factor 3). *Id.* at 114-115. All non-price factors combined were significantly more important than price. *Id.* at 115.

Factor 1 included the following three elements: (1) current and futures CO/EW/DODIN-A/IA experimentation event execution; (2) experimentation environments support and tools; and (3) battle lab collaborative simulation (BLCSE) [network operations security center (NOSC)]. Factor 2 likewise included three elements: contract management, project management, and personnel management. *Id.* at 114.

The RFP provided that factor 1 and factor 2 would each be assigned a combined technical/risk rating based on a proposal's evaluated strengths, weaknesses, and

¹ The RFP was amended twice and neither amendment is relevant to this protest. AR, Tab 2, Contracting Officer's Statement (COS) at 2. Unless otherwise noted, all references to the RFP are to the original solicitation. Additionally, all citations to the record are to the pages of the Adobe PDF documents produced in the agency report.

deficiencies.² *Id.* at 116. Under factor 3, the agency would consider three aspects of past performance--recency, relevancy, and quality--and assign a rating of substantial, satisfactory, neutral, limited, or no confidence.³ *Id.* at 117-118. The RFP further provided that offerors' price proposals would be evaluated for completeness, reasonableness, and unbalanced pricing. *Id.* at 119.

Nine offerors, including Ad Hoc (the incumbent) and ATL, submitted proposals by the closing date for receipt of proposals. AR, Tab 1, Memorandum of Law (MOL) at 6; COS at 2. Following the initial evaluation, the agency established a competitive range of three proposals, including those of Ad Hoc and ATL, and entered into discussions. MOL at 7; COS at 2-3. On January 21, 2022, the agency provided offerors with evaluation notices (ENs) advising them of aspects of their proposals that could be altered or explained to materially enhance the potential for award. See e.g., AR, Tab 6, Ad Hoc Discussions Letter at 1. After receipt of final proposal revisions (FPRs), the source selection evaluation board (SSEB) evaluated Ad Hoc and ATL's proposals as follows.

	Ad Hoc	ATL
Technical Capability/Risk	Acceptable/Moderate	Outstanding/Low
Management and Staffing Capability/Risk	Outstanding/Very Low	Outstanding/Very Low
Past Performance	Substantial Confidence	Satisfactory Confidence
Price	\$57,221,788	\$61,357,486

AR, Tab 9, Source Selection Decision Document (SSDD) at 5-6. After considering the SSEB's final evaluation and conducting an integrated assessment of proposals, the

² Combined technical/risk ratings for factors 1, technical capability, and 2, management and staffing capability, were outstanding, good, acceptable, marginal, and unacceptable and technical risk ratings were low, moderate, high, and unacceptable. *Id.* at 116-117. Of relevance to this protest, the RFP defined an acceptable rating as “[p]roposal meets requirements and indicates an adequate approach and understanding of the requirements, and risk of unsuccessful performance is no worse than moderate.” *Id.* at 116. The RFP defined an outstanding rating as “[p]roposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths, and risk of unsuccessful performance is very low.” *Id.*

³ The solicitation provided that a rating of substantial confidence was warranted when, “[b]ased on the [o]fferor’s recent/relevant performance record, the [g]overnment has a high expectation that the [o]fferor will successfully perform the required effort.” *Id.* at 116. A rating of satisfactory confidence was warranted when, “[b]ased on the [o]fferor’s recent/relevant performance record, the [g]overnment has a reasonable expectation that the [o]fferor will successfully perform the required effort.” *Id.*

source selection authority (SSA) determined that ATL's proposal provided the best value to the government because of its technically superior proposal and lower risk. *Id.* at 14-17. In this regard, the SSA found that the benefits associated with ATL's higher-rated, lower-risk technical proposal were worth the proposal's price premium. *Id.* at 16. The SSA also found ATL's proposed price, while higher than Ad Hoc's price, was 5.6 percent lower than the independent government cost estimate (IGCE) and had been determined to be fair and reasonable. *Id.* at 16.

On March 10, 2022, the Army notified Ad Hoc that it had awarded the contract to ATL. AR, Tab 10, Ad Hoc Unsuccessful Offeror Notice at 1. Subsequently, Ad Hoc requested and received an enhanced debriefing, which concluded on March 23, 2022. AR, Tab 12, Ad Hoc Enhanced Debriefing Letter at 1. This protest followed.

DISCUSSION

Ad Hoc challenges nearly every aspect of the Army's evaluation. The protester argues that the agency's evaluation under factors 1, technical capability, and 2, management and staffing capability, was unreasonable, applied unstated criteria, reflected disparate treatment, and was otherwise materially flawed. The protester further argues that the agency failed to conduct meaningful discussions; the agency unreasonably evaluated ATL's past performance references; the agency's price analysis was inadequate; and the agency's best-value tradeoff decision was unreasonable. While our decision here does not specifically discuss every argument raised, we have considered all the protester's allegations and find no basis to sustain the protest.

Technical Capability Evaluation

As noted above, Ad Hoc's proposal received a rating of acceptable for factor 1, technical capability. Specifically, under element 1, the evaluators assigned the proposal two strengths and one weakness; under element 2, two strengths and three weaknesses; and under element 3, one strength and zero weaknesses.⁴ AR, Tab 9, SSDD at 8. The protester challenged every weakness assigned to its proposal as unreasonable or inconsistent with the evaluation criteria; the product of misleading discussions; or the result of disparate treatment. The agency responded to all the protester's arguments in its report and the record demonstrates that the agency's evaluation was reasonable. We discuss some representative examples below.

The protester argues that the Army improperly assigned its proposal a weakness under element 1, current and futures CO/EW/DODIN-A/IA experimentation event execution. Protest at 6-13. The agency found that Ad Hoc's proposal did not describe its approach with sufficient detail to demonstrate that Ad Hoc understood and was able to conduct

⁴ Ad Hoc did not receive any uncertainties or deficiencies for any elements. AR, Tab 9, SSDD at 8. Evaluators assessed proposals with "strengths, weaknesses, uncertainties, and deficiencies in determining the technical ratings." *Id.*

individualized experiments for each functional area of analysis in performance work statement (PWS) 5.5.7 through PWS 5.5.10.⁵ AR, Tab 8a, Final Ad Hoc Technical Evaluation at 2. The agency further found that Ad Hoc's proposal failed to specifically describe or provide examples showcasing Ad Hoc's practical knowledge about "how they would adapt or modify common techniques and approaches to successfully plan and execute CBL experiments." *Id.* In this regard, the Army determined that the proposal's failure to provide an experimentation approach tailored to perform the tasks defined in each functional area defined in PWS 5.5.7 through PWS 5.5.10 merited a weakness. AR, Tab 9, SSDD at 11. The Army found that the proposal's "basic approach was very high level with common and universal applicability across all CBL experiments," which was "fundamentally too generic." AR, Tab 8a, Final Ad Hoc Technical Evaluation at 2.

Ad Hoc contends that it is irrational for the Army to assign its proposal a weakness for having a "very high level" and "generic" approach when the Army also acknowledges that it would be "unreasonable to expect" Ad Hoc to explain "how they will conduct every possible analytical requirement." Protest at 8-9. Ad Hoc further contends that the assignment of a weakness under element 1 contradicts the Army's assignment of two strengths under the same element. *Id.* The protester complains that the solicitation did not require offerors to provide "several examples" in their proposals to demonstrate how they will "tailor" or modify common approaches for all CBL functional areas' experiments, and that the agency thus applied unstated evaluation criteria when it assigned a weakness to Ad Hoc's proposal for failing to provide examples. *Id.* at 9-10. Additionally, the protester argues that the Army failed to consider all aspects of its proposal because "Ad Hoc provided [a] specific, concrete approach which is broadly applicable to different scenarios a contractor providing CO/EW/DODIN-A/IA experimentation support would encounter." *Id.* at 11.

It is well-established that the evaluation of proposals is a matter within the discretion of the contracting agency. *Vectrus Sys. Corp.*, B-412581.3 *et al.*, Dec. 21, 2016, 2017 CPD ¶ 10 at 3. An offeror's disagreement with an agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Id.* In reviewing an agency's evaluation, we will not substitute our judgment for that of the agency, but instead will examine the agency's evaluation to ensure that it was reasonable and consistent with the solicitation's evaluation criteria and with procurement statutes and regulations. *MicroTechnologies, LLC*, B-413091, B-413091.2, Aug. 11, 2016, 2016 CPD ¶ 219 at 4-5. In addition, our Office has long recognized that it is an offeror's responsibility to submit an adequately written proposal with sufficient information for the agency to evaluate and determine compliance with the solicitation's requirements, and an offeror risks having its proposal unfavorably evaluated where it fails to do so. *PEAKE*, B-417744, Oct. 11, 2019, 2019 CPD ¶ 359 at 4.

⁵ The PWS included four functional areas: 5.5.7 specified task requirements for network analysis; 5.5.8, requirements for cyber warfare analysis; 5.5.9, requirements for EW analysis; and 5.5.10, requirements for IA capability analysis. RFP at 38-39.

Under factor 1, the solicitation advised offerors that the Army would evaluate the offeror's demonstrated "experience with an efficient and effective technical approach to accomplishing the work for all task areas identified in the PWS and its approach to mitigating risks." RFP at 115. After evaluating Ad Hoc's initial proposal, the agency issued the protester EN No. 3, which asked Ad Hoc to describe its "tailored" approach to "fulfilling all their responsibilities and tasks" for each functional area in the PWS. AR, Tab 6, Ad Hoc Discussions Letter at 3.

The SSEB evaluation narrative included a description of what the evaluators expected a successful response to the EN to include. AR, Tab 8a, Final Ad Hoc Technical Evaluation at 2. *Id.* In particular, the SSEB anticipated a response would include descriptions of "different planning considerations, resource limitations, internal/external support, data collection strategies, and scenarios/environments in order to conduct various types of functional analysis," including "several examples" to show how Ad Hoc "would adapt or modify common techniques and approaches to successfully plan and execute CBL experiments." *Id.* The SSEB acknowledged that "[w]hile it may be unreasonable to expect Ad Hoc to explain how they will conduct every possible analytical requirement in the CBL for this response, it is not unreasonable to expect [Ad Hoc] to include several examples." *Id.* The agency concluded that Ad Hoc's "high level and generic response" to EN No. 3 and its final proposal failed to provide sufficient details to demonstrate its understanding or explain "how [Ad Hoc] will adapt or modify common techniques and approaches to successfully plan and execute CBL experiments." AR, Tab 9, SSDD at 11.

Here, the record reflects that the agency's evaluation is reasonable. Ad Hoc's proposal generally states that "[i]n support of all areas of [Cyber Electromagnetic Activities] analysis (PWS 5.5.7, 5.5.8, 5.5.9 & 5.5.10), we design experiments to assess the operation of tactical units and the network in an operationally relevant environment." AR, Tab 7b, Ad Hoc Final Proposal Vol. II, at 15. Ad Hoc's proposal described its experience and familiarity in designing, developing, and conducting different types of experiments; however, Ad Hoc proposed one experimentation development framework to address all of the PWS functional area analysis requirements. Even after the SSEB requested a tailored approach for "each functional area" in the EN No. 3, Ad Hoc responded that it would focus on selecting the appropriate people, processes, and tools for "each experiment and analysis area outlined in PWS 5.5.7 through PWS 5.5.10." AR, Tab 7a, Ad Hoc EN Responses at 6. The SSEB concluded that Ad Hoc's proposal merited a weakness because Ad Hoc did not demonstrate its understanding or individualized approach for each of the four different functional areas in the PWS.

Although the protester plainly disagrees with the agency's determination, based upon our review of the record, we have no basis to question the reasonableness of the agency's evaluation. The solicitation required a tailored approach for each functional area in PWS 5.5.7 through PWS 5.5.10. Ad Hoc's proposal did not provide a tailored response to each functional area. It is not irrational for the agency to find that Ad Hoc's broad approach merited two strengths for demonstrating institutional technical experience and expertise, and using innovative technologies with the potential to

enhance and improve future CBL experiments, and a weakness for failing to propose a tailored approach for each functional area. Ad Hoc's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Vectrus Sys. Corp., supra*.

With respect to the protester's claim that the Army applied unstated evaluation criteria in finding that the protester had failed to provide examples of how the protester would tailor or modify common approaches for all CBL functional areas' experiments, the solicitation expressly required offerors to demonstrate their understanding and experience with the tasks for the PWS requirements, as well as approaches to perform the work specified in the PWS. The SSEB reasonably expected that an offeror would describe different planning considerations, resources, support, data collections, and environment to conduct the different types of functional analyses for the tasks identified in the PWS. Examples are one of many ways the Army anticipated Ad Hoc might have satisfied EN No. 3 and met the evaluation criteria. The SSEB, did not assign a weakness to Ad Hoc's proposal because the proposal lacked examples; the SSEB assigned the weakness because the protester did not propose a tailored approach to performing each functional area. On this record, we conclude that the agency did not apply unstated evaluation criteria when assigning Ad Hoc's proposal a weakness.

Misleading Discussions

Next, Ad Hoc argues the discussions conducted by the Army were not meaningful because the agency's ENs failed to apprise Ad Hoc of the Army's actual concerns. Protest at 20-24. The protester, maintains that if the agency had properly identified its concerns in the ENs, Ad Hoc would have been able to address them in a meaningful way. *Id.* For example, Ad Hoc argues that the agency failed to notify it that the agency was expecting "several examples" in response to its EN requesting a "tailored approach." Protest at 21. Had the Army conducted meaningful discussions, the protester argues, the protester would have provided examples in addition to the examples provided in its initial proposal. *Id.*

The Army responds that discussions were not required for proposal weaknesses but that it "nevertheless sought to assist Ad Hoc in improving its proposal by addressing other aspects that might enhance its chances for award, specifically the weaknesses assessed during initial evaluations." MOL at 31. In this regard, each EN cited the specific proposal page numbers requiring amplification or revision and the associated PWS tasks, which, according to the agency, "reasonably led protester to the areas of its proposal about which the Army had concerns." AR, Tab 14, Supp. MOL at 19. The Army contends it was not required to identify each item that Ad Hoc could have addressed to improve its chance for award. *Id.*

Agencies have broad discretion to determine the content and extent of discussions, and we limit our review of the agency's judgments in this area to a determination of whether they are reasonable. *InfoPro, Inc.*, B-408642.2, B-408642.3, Dec. 23, 2014, 2015 CPD ¶ 59 at 9. Discussions must be meaningful, equitable, and not misleading. *International*

Dev. Group Advisory Servs., LLC, B-416551, B-416551.2, Oct. 15, 2018, 2018 CPD ¶ 358 at 6. At a minimum, the agency must discuss deficiencies, significant weaknesses, and adverse past performance information to which an offeror has not yet had an opportunity to respond. FAR 15.306(d)(3). Meaningful discussions must be sufficiently detailed so as to lead an offeror into the areas of its proposal requiring amplification or revision in a manner to materially enhance the offeror's potential for receiving the award; however, that does not obligate an agency to spoon-feed an offeror or to discuss every area where the proposal could be improved. *Id.*; *Management Scis. for Health*, B-416041, B-416041.2, May 25, 2018, 2018 CPD ¶ 197 at 9.

Based upon our review of the record, we conclude the Army conducted meaningful discussions with Ad Hoc. The Army did not identify any deficiencies or significant weaknesses in Ad Hoc's initial proposal under factor 1, technical capability; however, the Army identified eight weaknesses for which it issued eight ENs, each of which included references to Ad Hoc's proposal pages. AR, Tab 8a at 1-8. Following the submission of Ad Hoc's EN responses and final proposal, the SSEB found that Ad Hoc had resolved four weaknesses, but that four weaknesses remained. *Id.* at 1-4, 6.

With regard to the example cited by Ad Hoc above, the record establishes that the agency reasonably advised the protester of its concerns related to the protester's failure to provide a tailored approach for each of the functional areas. As discussed above, the RFP required the Army to evaluate offerors' demonstrated experience with technical approaches for performing work for all the task areas identified in the PWS as set forth in PWS 5.5.7 through PWS 5.5.10. RFP at 115. The evaluators identified a weakness in Ad Hoc's initial proposal because it "lacked a tailored approach to fulfilling all their responsibilities and tasks defined for each functional area analysis in the PWS." AR, Tab 5, Initial Ad Hoc Technical Evaluation at 6. Accordingly, the SSEB sent Ad Hoc EN No. 3, which provided as follows:

EN NUMBER: 3 Weakness (3)

1. PROPOSAL REFERENCE: (PWS 5.5.7-5.5.10; [Ad Hoc] Volume II, pp.2-7) What is [Ad Hoc's] tailored experimentation development approach to fulfilling all their responsibilities and tasks defined for each functional area analysis in the PWS (5.5.7-5.5.10) as related specifically to the CBL-led experiments that are designed to address associated current and future capability gaps?

AR, Tab 6, Ad Hoc Discussions Letter at 3.

Ad Hoc submitted a very general response to this EN, which stated that Ad Hoc's "approach is focused on people, processes, and tools/technology to provide a tailored experimentation development approach." The response did not, however, provide specifics for each functional area identified in PWS 5.5.7 through 5.5.10. AR, Tab 7a, Ad Hoc EN Responses at 6-7. Moreover, Ad Hoc informed the Army that it made no changes to its proposal in response to EN No. 3. *Id.* at 7.

On this record, we find no basis to question the adequacy of the agency's discussions. The Army specifically identified the sections in Ad Hoc's proposal that encompassed the Army's concerns and adequately informed Ad Hoc of the agency's concerns regarding Ad Hoc's failure to provide a tailored approach for each of the functional areas identified in the cognizant PWS sections. The fact that the protester failed to respond in a manner that adequately addressed the agency's concerns does not mean that the agency did not adequately lead the protester into the areas of its proposal requiring amplification or revision. Accordingly, this protest ground is denied.

Disparate Treatment

Ad Hoc further contends that the Army evaluated offerors unequally under factor 1, technical capability. Specifically, Ad Hoc claims the Army applied a much stricter standard when evaluating Ad Hoc's proposal and the Army failed to credit Ad Hoc's proposal for features comparable to those for which ATL was assessed strengths. Comments & Supp. Protest at 25-32. In this regard, the protester argues that the agency assigned a weakness to its proposal under element 1, current and futures CO/EW/DODIN-A/IA experimentation event execution, for its response to EN No. 3, which the agency viewed as "too generic" and very "high level," while in several instances finding that ATL's generic proposal language was satisfactory. Comments & Supp. Protest at 26-27. Ad Hoc also contends that the Army unequally credited ATL with a strength for its "people, processes, organization, tools, and techniques" while determining that Ad Hoc's "people, processes, and tools" approach was "too generic." Comments & Supp. Protest at 27-28.

It is a fundamental principle of government procurement that competition must be conducted on an equal basis; that is, the contracting agency must treat all offerors equally, and even-handedly evaluate proposals and quotations against common requirements and evaluation criteria. *Kingfisher Sys., Inc.; Blue Glacier Mgmt. Grp., Inc.*, B-417149 *et al.*, Apr. 1, 2019, 2019 CPD ¶ 118 at 8. Where a protester alleges unequal treatment in an evaluation, we will review the record to determine whether the differences in ratings reasonably stem from differences in the proposals. See *SURVICE Eng'g Co., LLC*, B-414519, July 5, 2017, 2017 CPD ¶ 237 at 8; *Exelis Sys. Corp.*, B-407111 *et al.*, Nov. 13, 2012, 2012 CPD ¶ 340 at 20-21.

Here, the record shows that the Army did not treat offerors unequally and that differences in the evaluators' findings were based on meaningful differences between the proposals. For example, while the SSEB observed that ATL's initial proposal included a generic description of its approach, the SSEB also explained how ATL's EN response augmented its proposal with additional detail. AR, Tab 13, Final ATL Technical Evaluation at 2-3. Moreover, when the SSEB requested additional details about an aspect of ATL's technical approach, and ATL failed to provide sufficient details in response, the SSEB assigned ATL's proposal a weakness. *Id.* at 1-2.

Furthermore, ATL's strength for its "people, processes, organization, tools, and techniques" was assessed under element 2, experimentation environments support, and thus did not represent an unequal evaluation under element 1. *Compare* AR, Tab 9, SSDD at 8 *with* AR, Tab 8a, Final Ad Hoc Technical Evaluation at 2. The difference in the Army's ratings reflects ATL's and Ad Hoc's different approaches, which are substantively distinguishable. Other than similar phrases in each proposal, the protester has provided no support for its allegation of unequal treatment. The protester's complaints ignore the different contexts in which the Army found ATL's generic language acceptable and for which ATL's "people, processes, organization, tools, and techniques" warranted a strength. In this regard, the protester cherry-picks phrases from the SSEB's evaluation of ATL that are unrelated to element 1. Accordingly, we deny these protest grounds.

Past Performance Evaluation

Ad Hoc also challenges the agency's past performance evaluation, arguing the agency unreasonably assigned ATL's proposal a rating of satisfactory confidence, when a limited or neutral confidence rating was warranted. According to the protester, ATL did not deserve a rating of satisfactory confidence because ATL submitted only two past performance references for itself, which the agency evaluated as merely somewhat relevant. Supp. Comments at 12. Additionally, the protester argues that the agency could not reasonably consider ATL's subcontractor's past performance references because there is no indication that ATL's subcontractor will "play a substantial role in the awarded contract." Supp. Comments at 12. The protester also asserts that the agency erroneously determined that one of the subcontractor's references was relevant. *Id.*; Supp. Comments on AR, Tab 19, ATL Past Performance Evaluation at 2-5. Based on our review, we find that the agency's evaluation of ATL's past performance was reasonable.

Our Office will review an agency's evaluation of past performance only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations, as determining the relative merit of an offeror's past performance is primarily a matter within the agency's discretion. *TeleCommunication Sys., Inc.*, B-413265, B-413265.2, Sept. 21, 2016, 2016 CPD ¶ 266 at 7; *American Env'tl. Servs., Inc.*, B-406952.2, B-406952.3, Oct. 11, 2012, 2013 CPD ¶ 90 at 5. The evaluation of past performance, by its very nature, is subjective, and we will not substitute our judgment for reasonably based evaluation ratings; an offeror's disagreement with an agency's evaluation, by itself, does not demonstrate that those judgments are unreasonable. *Cape Env'tl. Mgmt., Inc.*, B-412046.4, B-412046.5, May 9, 2016, 2016 CPD ¶ 128 at 8.

Here, the solicitation advised offerors that the agency would assess the recency, relevance, and quality of offerors' past performance references. RFP at 118. The RFP provided that an offeror must have performed the effort for at least six months during the three years preceding the deadline for submission of proposals. *Id.* at 108. References were to be rated as very relevant, relevant, somewhat relevant, or not

relevant. *Id.* at 118. To be relevant, the effort had to be similar in scope and magnitude to the services required under this solicitation.⁶ *Id.* The solicitation provided that the agency would “determine the quality of the [offeror’s recent and relevant past performance, considering general trends, source of information, and usefulness of the information, and incorporate these into the performance confidence assessment rating.”⁷ *Id.* at 119. Additionally, the solicitation advised that the agency might obtain past performance information from sources other than the offerors’ proposals. *Id.* at 118.

ATL submitted four past performance references--two references for itself and two references for its proposed subcontractor, Science Applications International Corporation (SAIC). AR, Tab 19, ATL Past Performance Evaluation at 6. The agency determined that all four references were recent. *Id.* The agency found that the two SAIC references were relevant to the CBL scope of work and were of essentially the same magnitude in term of dollar value; one of those references received a rating of exceptional quality, and the other, a rating of satisfactory quality.⁸ *Id.* at 1-3. The Army assessed both of the references ATL submitted for itself as somewhat relevant to the CBL scope of work with essentially the same magnitude.⁹ *Id.* at 4-6. The Army assigned both of ATL’s references quality ratings of very good. *Id.* Upon completion of its past performance evaluation, the agency concluded that ATL’s past performance merited a rating of satisfactory confidence. *Id.*

As noted above, Ad Hoc takes issue with the agency’s assessment of the relevancy of ATL’s past performance. Based on our review, we find that the record supports the Army’s assessments. As an initial matter, we dismiss Ad Hoc’s argument that the agency improperly considered SAIC’s past performance references in its evaluation of ATL. Although the protester asserts that there is no indication SAIC will have a significant role in performing the contract, the protester offers no factual basis for this assertion; rather it is based on speculation as to the contents of ATL’s proposal. Accordingly, we dismiss this allegation because it does not provide a sufficient factual basis for protest ground. *Mark Dunning Indus., Inc.*, B-413321.2, B-413321.3, Mar. 2, 2017, 2017 CPD ¶ 84 at 2.

⁶ Scope was to be measured for similarity to the requirements in PWS part 5; magnitude was defined as combined or individual (prime, subcontractor, or other business relationship) work showing that the offeror has managed performance similar to the PWS tasks with a dollar value of at least \$3 million. *Id.*

⁷ The agency determined the quality rating from the Contract Performance Assessment Reporting System reports for the references.

⁸ The RFP defined a relevant rating as present/past performance effort involving “similar scope and magnitude of effort and complexities this solicitation requires.” RFP at 118.

⁹ The RFP defined a somewhat relevant rating as present/past performance effort involving “some of the scope and magnitude of effort and complexities this solicitation requires.” RFP at 118.

Ad Hoc also challenges the agency's rating of SAIC reference 1, Maneuver Battle Lab (MBL) support services, as relevant. For example, the protester argues that the agency unreasonably found the MBL contract relevant based on a single finding that the MBL work was comparable to a single PWS requirement, specifically PWS 5.2. Supp. Comments on AR, Tab 19, ATL Past Performance Evaluation at 3. The protester asserts that the agency's consideration of contract data requirements list (CDRL) items, which correspond to PWS requirements, in its relevancy evaluation was unreasonable. *Id.* at 3-4.

Based on our review, Ad Hoc misstates the basis for the agency's relevancy determination. In this regard, the agency found more than one basis to assign a rating of relevant for the MBL contract reference. Specifically, the record reflects that the agency compared each section of PWS part 5, including the relevant CDRLs, against the MBL contract and found the MBL contract was relevant to PWS 5.1 and 5.2; not relevant to PWS 5.3; very relevant to PWS 5.4; and somewhat relevant to PWS 5.5 and PWS 5.6. Thus, the protester's argument provides no basis for our Office to question the reasonableness of the agency's evaluation.

Moreover, we are not persuaded that the agency's overall evaluation of ATL's past performance was unreasonable. In the final analysis, when Ad Hoc points to the somewhat relevant references submitted by ATL, it is necessarily inviting our Office to second guess the Army's conclusion that ATL's past performance merited a rating of satisfactory confidence, which is precisely the type of subjective judgment that is firmly committed to a procuring agency's discretion. *DynCorp Int'l LLC; AAR Supply Chain, Inc.*, B-415873, *et al.*, Apr. 12, 2018, 2018 CPD ¶ 157 at 16-17 (denying protest of past performance evaluation where agency reasonably determined that the contracts referenced in the awardee's proposal were relevant). The evaluation of past performance, by its very nature, is subjective, and Ad Hoc's disagreement with the Army's evaluation judgments does not demonstrate that those judgments were unreasonable. *Cape Envtl. Mgmt., Inc.*, *supra*. Accordingly, we deny Ad Hoc's protest of the Army's past performance evaluation.

Price Analysis

The protester also challenges the agency's price evaluation and contends that the record does not demonstrate that the agency conducted the required price reasonableness analysis. Comments & Supp. Protest at 33. Specifically, Ad Hoc asserts that the government analyzes price reasonableness to ensure it "does not pay too high a price for the contract" and nothing in the record shows that the Army considered whether ATL's solution was worth an additional \$4.1 million. *Id.* (emphasis omitted).

The solicitation advised that price would be evaluated for reasonableness, among other things, in accordance with the price analysis techniques in FAR section 15.404-1. RFP at 119. These techniques include, among other things, a comparison of prices of proposals received with each other, with historical contract prices for the same or similar

services, with published price lists, with an IGCE, and with prices obtained from market research. FAR 15.404-1(b)(2). The record reflects that the Army compared the offerors' proposed prices with each other, historic labor prices, and the IGCE, and concluded that both price proposals were reasonable. AR, Tab 20, Price Evaluation at 3, 13, 18.

Ad Hoc's complaint that the Army did not consider price reasonableness because the Army failed to consider whether ATL's proposal was worth an additional \$4.1 million conflates the price reasonableness analysis with the best-value tradeoff analysis. The purpose of a price reasonableness analysis is to prevent the government from paying too high a price for a contract. See *Crawford RealStreet Joint Venture*, B-415193.2, B-415193.3, Apr. 2, 2018, 2018 CPD ¶ 121 at 9. A best-value tradeoff analysis, on the other hand, considers whether the technical superiority associated with a higher-rated proposal is worth a price premium. We find the agency's price reasonableness analysis unobjectionable; accordingly, we have no basis on which to sustain this protest ground. We address the reasonableness of the agency's best-value tradeoff below.

Best-Value Tradeoff Analysis

Finally, Ad Hoc argues the Army's best-value tradeoff analysis was unreasonable and inadequately documented. Protest at 29-30; Comments & Supp. Protest at 33-36. In this regard, the protester complains that the agency failed to follow the evaluation criteria by placing greater importance on factor 1, technical capability, than factor 2, management and staffing capability, when the RFP provided that the two factors were of equal importance. The protester further argues that the agency did not adequately document its tradeoff analysis. Protest at 29-30; Comments & Supp. Protest at 34-36. We disagree.

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 methodology. 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 Org., Inc.*, B-410496, B-410496.2, Jan. 7, 2015, 2015 CPD ¶ 29 at 14.

We find that the agency's best-value tradeoff was reasonable, consistent with the solicitation, and well-documented. The record reflects that the agency documented its

consideration of proposals, and the source selection decision includes a detailed comparison of the advantages of these proposals under each factor and its elements.

In this regard, the SSA acknowledged that Ad Hoc's proposal had some unique advantages and identified strengths in its proposal under factor 1, in addition to its weaknesses, which merited an acceptable rating. AR, Tab 9, SSDD at 15-16. The SSA determined that Ad Hoc's proposal contained "too many 'unknown' factors which may potentially adversely affect cost, schedule and performance" and that some of the benefits to the government from the strengths in Ad Hoc's proposal may never materialize so that Ad Hoc's four weaknesses under factor 1 may potentially generate moderate risk to the government. *Id.* at 15-16.

The SSA noted that ATL's proposal merited four strengths and a rating of outstanding under factor 1 notwithstanding one weakness identified in ATL's proposal. *Id.* at 15. The SSA assessed a weakness because ATL's proposal provided insufficient detail in its technical approach and did not show ATL's level of experience "in planning and leading concept-based experiments beyond the 'participant' level." *Id.* at 9. The SSA found that this weakness would generate "very low" risk and "may have little potential to cause disruption of schedule, increased cost or degradation of performance" and any difficulties could be overcome by normal contractor efforts and monitoring by the agency.¹⁰ *Id.* at 9, 15. The SSA concluded that the "technical advantages associated with ATL's proposal in [f]actors 1 and 2, when combined, are clearly superior to [Ad Hoc's] proposal which contains multiple weaknesses in [f]actor 1." *Id.* at 15.

The SSA also determined that although Ad Hoc's proposal was rated higher than ATL's proposal for factor 3, past performance, ATL's proposal was deemed superior due to ATL's higher technical ratings for the combined factors 1 and 2, which are significantly more important than factor 3. *Id.* Additionally, the SSA concluded that while Ad Hoc's proposal had a price advantage over ATL's, the benefits associated with ATL's higher-rated proposal were worth the \$4,135,698 or 7.2 percent price premium. *Id.* at 16. Based on this record, the agency's tradeoff analysis and selection of ATL, the technically superior, higher-priced proposal, was reasonable.

To summarize, the well-documented record reflects that the agency's evaluation and resulting award decision were reasonable and the protester's complaints amount to

¹⁰ "Very low" risk is not one of the risk ratings set forth in the RFP, although the language is used in the definition of outstanding for the combined/technical rating; the agency's explanation of ATL's "very low" risk meets the definition of low risk. RFP at 116 (defining a low risk rating as a "[p]roposal [that] may contain weakness(es) which have little potential to cause disruption of schedule, increased cost or degradation of performance."); see *also* footnote 2 above.

disagreement with the agency's decision-making. We conclude that none of the protester's allegations have merit.

The protest is denied.

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