



Decision

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Matter of: Computer World Services Corporation

File: B-420777.2; B-420777.3

Date: February 7, 2023

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DIGEST

1. Protest arguing that discussions were not meaningful is denied where the agency provided the offeror with all required information during discussions.
 2. Protest challenging agency's evaluation of awardee's technical proposal is denied where the evaluation was reasonable and consistent with the terms of the solicitation.
 3. Protest challenging agency's best-value tradeoff determination is denied where the record reflects that the contracting officer reasonably found the proposals of the awardee and the protester to be technically equal and selected the lower-priced proposal for award.
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DECISION

Computer World Services Corporation (CWS), a small business of Falls Church, Virginia, protests the issuance of a task order to Ideation Solutions JV, LLC, also a small business of Falls Church, Virginia, under task order request for proposal (TORP) No. C-89192-SB. The Department of Health and Human Services, National Institutes of Health (NIH) issued the solicitation for information technology (IT) customer support services. CWS challenges the agency's evaluation of technical proposals and award decision, and contends that the agency failed to engage in meaningful discussions.

We deny the protest.

BACKGROUND

Using the procedures of Federal Acquisition Regulation (FAR) subpart 16.5, the agency issued the solicitation on March 11, 2022, to small businesses holding contracts under the NIH's Chief Information Officer Solutions and Partners 3 (CIO-SP3) indefinite-delivery, indefinite-quantity (IDIQ) governmentwide acquisition contract. Agency Report (AR), Tab 2, TORP at 333, 345.¹ The TORP sought proposals to provide service desk support services--such as staffing service desk support and various key personnel--to NIH's Center for Information Technology and other NIH institutes and centers.² *Id.*

The solicitation anticipated the issuance of a single task order with fixed-price and time-and-materials contract line item numbers, with a base period of 1 year and two 12-month options. TORP at 2. Award was to be made on a best-value tradeoff basis considering the following evaluation factors, in descending order of importance: technical/management approach and expertise of proposed staff (technical/management approach); corporate experience and certifications; and price/cost. *Id.* at 341. The technical/management approach factor was significantly more important than the corporate experience and certifications factor, which was significantly more important than price/cost. *Id.* When combined, all non-price factors were significantly more important than price/cost. *Id.* The solicitation also provided, however, that between proposals of substantially equal technical merit, cost/price will become a more significant factor. *Id.*

With regard to corporate experience, the TORP instructed offerors to identify a minimum of two, but no more than four, contracts/task orders with the government or commercial customers that demonstrate recent and relevant organizational experience. *Id.* at 343. The TORP provided that offerors' experience would be evaluated for "relevant and current capabilities to meet the requirements and objectives of the PWS[.]" "specific prior work that is similar to size, scope, and complexity of this effort[.]" and "current capabilities to immediately execute on this requirement." *Id.*

Under the technical/management approach factor, offerors were required to demonstrate, among other things and as relevant here, a "feasible staffing approach that describes how staff are recruited, trained, retained and, when appropriate, removed from the project; an appropriate mix and balance of education, certifications, experience and training of staff; feasible approach to meeting surge requirements; and an appropriate labor and skills mix." TORP at 342-343.

¹ Citations to the TORP are to the conformed copy provided at Tab 2 of the agency report. In addition, citations to documents in the agency report are to the Adobe PDF page numbers.

² NIH's IT service desk provides technical support to NIH, and responds to over a thousand requests for service every day. As reflected in the service objectives of the solicitation's performance work statement (PWS), NIH sought a contractor that could provide high-level service efficiently, effectively, and at reduced costs. TORP, PWS at 222-223.

The NIH received timely submitted proposals from seven offerors, including CWS and Ideation Solutions. Contracting Officer's Statement (COS) at 2. After evaluating proposals, the agency decided to issue the task order to CWS as the best-value offeror. *Id.* On May 25, 2022, Ideation Solutions filed a bid protest with our Office, challenging the agency's evaluation of proposals and award decision. *Id.* The agency elected to take voluntary corrective action in the form of a reevaluation of proposals, and thus our Office dismissed the protest as academic. *Ideation Solutions JV, LLC, B-420777, June 7, 2022* (unpublished decision).

Following a reevaluation of initial proposals, the agency conducted discussions with the offerors in the competitive range and requested final proposal revisions (FPRs).³ AR, Tab 5, Request for FPR (CWS); Tab 6, Request for FPR (Ideation). Both CWS and Ideation Solutions submitted timely FPRs. The TEG convened to review the evaluation results and develop a consensus of the findings for the offerors' technical proposals. AR, Tab 12, TEG Consensus Report at 1-2.

The TORP provided for the assignment of overall technical proposal ratings of high confidence, confidence, or low confidence. TORP at 345; AR, Tab 12, TEG Consensus Report at 2. The TEG found that CWS's FPR addressed the four weaknesses and one clarification identified by the contracting officer during discussions, and assessed an overall rating of high confidence for CWS's technical proposal. AR, Tab 12, TEG Consensus Report at 5. Similarly, the technical evaluators found that Ideation's FPR addressed the seven weaknesses and one clarification identified in its initial proposal, and assessed an overall rating of high confidence for Ideation's technical proposal. *Id.* at 6-7. In assessing these ratings, the TEG also identified several strengths for each offeror. *Id.* at 5-7. Ultimately, however, the TEG concluded that the two proposals were essentially technically equal. In making the source selection, the contracting officer concurred with the TEG's evaluation and ratings of the offerors' proposals as essentially technically equal, and therefore, did not conduct a best-value tradeoff between Ideation's and CWS's proposals. Because Ideation's proposed price/cost of \$56,025,741 was approximately \$1.5 million less than CWS's proposed price/cost of \$57,594,151, the contracting officer determined that Ideation's proposal provided the best value to the government. AR, Tab 13, Source Selection Decision (SSD) at 3-4.

The agency notified CWS on October 28, 2022, that its proposal had not been selected for award. AR, Tab 14, Unsuccessful Offeror Letter at 1. After requesting and receiving a debriefing on October 31, CWS filed this protest with our Office.⁴ AR, Tab 15, Debriefing Letter.

³ Two of the seven offerors were found to be outside the competitive range or non-responsive, and were not included in discussions. AR, Tab 12, Technical Evaluation Group (TEG) Consensus Report at 2.

⁴ The awarded value of the task order at issue here is \$56,025,741, and, accordingly, this protest is within our jurisdiction to hear protests of task orders placed under civilian

DISCUSSION

CWS challenges the agency's evaluation of proposals, the agency's conduct of discussions, and the agency's best-value tradeoff and award decision. We note that the protester raises several collateral arguments.⁵ While our decision does not address every argument, we have reviewed each argument and conclude that none provides a basis to sustain the protest. We discuss several representative examples below.

Discussions

The protester contends that the agency failed to conduct meaningful discussions by failing to raise with CWS a concern the agency identified in CWS's proposal regarding innovation. CWS argues that the agency's decision to limit discussions to four weaknesses and one request for clarification, none of which identified innovation as a concern, denied CWS the chance to address the agency's concern regarding innovation.⁶ Comments & Supp. Protest at 3. NIH responds that the agency's discussions with CWS were meaningful because the agency was not required to advise CWS of an issue that was not considered a significant weakness or a deficiency.

agency indefinite-delivery, indefinite-quantity contracts valued in excess of \$10 million. 41 U.S.C. § 4106(f)(2); AR, Tab 15, Debriefing Letter at 1.

⁵ For example, CWS argues that an alleged inconsistency between an adjectival rating assigned to the awardee's technical proposal by an individual evaluator and the rating assessed by the TEG in its consensus report demonstrates that the agency's best-value tradeoff was flawed. Comments & Supp. Protest at 14. Differences between individual ratings and final ratings, however, are not sufficient to prove an evaluation was unreasonable or flawed. *Unitec Distribution Sys.*, B-419874, B-419874.2, Aug. 20, 2021, 2021 CPD ¶ 307 at 4 (finding protester's allegation that the evaluation was "irrational based on the differences between individual evaluator ratings and the consensus rating does not provide a basis to sustain the protest" because GAO's concern "is not whether the final ratings are consistent with earlier, individual ratings, but whether they reasonably reflect the relative merits of the quotation.").

We also find no merit to the protester's contention that the evaluation was flawed because the consensus report lacks an explanation regarding the change in rating. There is no obligation for an agency to document why the consensus rating differs from individual ratings because an agency commonly relies upon multiple evaluators who often perform individual assessments before the evaluation team reaches consensus as to the evaluation finding, and thus, it is not uncommon for the final group evaluation to differ from individual evaluator findings. *SRA Int'l, Inc.*, B-407709.5, B-407709.6, Dec. 3, 2013, 2013 CPD ¶ 281 at 10-11.

⁶ One weakness and the clarification concerned VIP account services, two weaknesses identified typos and formatting issues, and one weakness concerned, in part, CWS's emphasis on automation rather than interaction. AR, Tab 5, Req. for FPR (CWS) at 3.

The regulations concerning discussions under FAR part 15, which pertain to negotiated procurements, do not, as a general rule, govern task order competitions conducted under FAR part 16, such as the procurement here. See *NCI Info. Sys., Inc.*, B-405589, Nov. 23, 2011, 2011 CPD ¶ 269 at 9. In this regard, FAR section 16.505 does not establish specific requirements for discussions in a task order competition; nonetheless, when exchanges with the agency occur, they must be fair and not misleading. *Id.*; *General Dynamics Info. Tech., Inc.*, B-406059.2, Mar. 30, 2012, 2012 CPD ¶ 138 at 7. Where, however, an agency conducts a task order competition as a negotiated procurement, our analysis regarding fairness will, in large part, reflect the standards applicable to negotiated procurements. *Technatomy Corp.*, B-411583, Sept. 4, 2015, 2015 CPD ¶ 282 at 7.

When holding exchanges, procuring agencies are not permitted to engage in conduct that favors one offeror over another. *Deloitte Consulting, LLP*, B-412125.2, B-412125.3, Apr. 15, 2016, 2016 CPD ¶ 119 at 17. An agency is not required, however, to afford offerors all-encompassing discussions, or to discuss every aspect of a proposal that receives less than the maximum score. Further, an agency is not required to advise of a weakness that is not considered significant, even where the weakness subsequently becomes a determinative factor in choosing between two closely ranked proposals. *Education Dev. Center, Inc.*, B-418217, B-418217.2, Jan. 27, 2020, 2020 CPD ¶ 61 at 5-6.

Here, the record does not support the protester's argument that NIH failed to conduct meaningful discussions. The record reflects that the agency found no deficiencies, significant weaknesses, or adverse past performance information to which the offeror had not previously had an opportunity to respond in CWS's proposal. AR, Tab 12, TEG Consensus Report at 5. Nor has the protester alleged that there were any such significant weaknesses or deficiencies. Further, the record demonstrates that the identified issue regarding innovation was not a significant weakness. *Id.* As noted by the contracting officer in response to the protest, "[t]he lack of innovation in the CWS proposal was not actually found to be a significant weakness or deficiency for CWS and was never considered to be such by the TEG or the CO [contracting officer]." COS at 3. Rather, the contracting officer explains, that "[t]he comment regarding the lack of innovation was an overarching comment meant to give constructive review and feedback." *Id.* at 2-3.

The agency further maintains that while this information was provided to CWS during its debriefing, it was not an issue that the TEG or the contracting officer believed needed to be addressed by CWS in its final proposal. Memorandum of Law (MOL) at 4. In this regard, the contracting officer states that "CWS'[s] lack of innovation did not impact [CWS's] rating or evaluation" and that CWS "received the highest technical rating." COS at 3. The contracting officer further explains that "[h]ad the TEG considered the lack of innovation to be a significant weakness or deficiency and believed CWS failed to address that issue, CWS would have received a lower rating for failing to properly address the concern." *Id.* In sum, although the contracting officer could have discussed other aspects of CWS's proposal, including any concerns regarding innovation, there

was no requirement that she do so. See *Engility Corp.*, B-413120.3 *et al.*, Feb. 14, 2017, 2017 CPD ¶ 70 at 9. We therefore deny this ground of protest.

Technical Evaluation

As noted above, the agency assessed an overall technical proposal rating of high confidence to Ideation's proposal based on the agency's evaluation of the awardee's proposal under the two technical factors--technical/management approach and corporate experience.⁷ AR, Tab 12, TEG Consensus Report at 5. The protester argues that Ideation's technical proposal did not deserve an overall high confidence rating and challenges the agency's evaluation of the awardee's proposal under both factors.

Under the technical/management approach factor, the protester asserts that the agency failed to consider the "risk inherent in Ideation Solutions' inability to recruit and retain incumbent personnel." Protest at 5-6. With regard to the corporate experience factor, the protester contends that the agency's evaluation of Ideation's proposal was improper because Ideation "lacks experience performing IT-related services in health-specific environments (like NIH)." *Id.* at 5. For the reasons discussed below, we find the protester's arguments provide no basis to sustain the protest.

The evaluation of proposals in a task order competition, including the determination of the relative merits of proposals, is primarily a matter within the contracting agency's discretion, because the agency is responsible for defining its needs and the best method of accommodating them. *URS Fed. Servs., Inc.*, B-413333, Oct. 11, 2016, 2016 CPD ¶ 286 at 6. In reviewing protests of an agency's evaluation and source selection decision in a task or delivery order competition, we do not reevaluate proposals; rather, we review the record to determine whether the evaluation and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Sapient Gov't Servs., Inc.*, B-412163.2, Jan. 4, 2016, 2016 CPD ¶ 11 at 4. A protester's disagreement with the agency's judgment, without more, is not sufficient to establish that an agency acted unreasonably. *STG, Inc.*, B-405101.3 *et al.*, Jan. 12, 2012, 2012 CPD ¶ 48 at 7.

Key Personnel

The protester challenges the agency's evaluation of the awardee's key personnel under the technical/management approach factor and asserts that the agency should have assessed Ideation's "lack of anticipated incumbent capture" and "weak recruiting tools" as weaknesses. Comments & Supp. Protest at 11.

⁷ The protester also initially argued that the awardee's proposal did not deserve a rating of high confidence because "neither [the Awardee] nor its constituent members have ISO 20000 IT Service Management System certification." Protest at 7. CWS subsequently withdrew this aspect of its protest. Comments & Supp. Protest at 8 n.4.

As relevant here, under the technical/management approach factor, the TORP identified several key-personnel positions and also provided that offerors were required to demonstrate a “feasible staffing approach that describes how staff are recruited, trained, retained and, when appropriate, removed from the project; an appropriate mix and balance of education, certifications, experience and training of staff; feasible approach to meeting surge requirements; and an appropriate labor and skills mix.” TORP at 342-343. In addition, as part of the solicitation’s Questions and Answers (Q&As), a potential offeror asked the agency whether “all the current incumbent resources will be replaced?” TORP at 175 (Q&A No. 43). The agency responded that “[i]t is not recommended to replace all the incumbent resources[; h]owever, the vendor can staff based off [its] approach.” *Id.*

The protester argues that despite NIH’s stated preference in the Q&A for retaining incumbent staff, Ideation did not propose any incumbent staff in key positions. Comments & Supp. Protest at 11. The protester contends that, instead, Ideation’s proposal anticipates “bringing in a wave of new hires from various sources,” which the protester asserts, is “more likely to increase anxiety and uncertainty during the transition.” *Id.* at 12. The protester contends that “the risks associated with this approach were never seriously considered by NIH,” and if they had been considered, “Ideation’s proposal likely would have been scored significantly lower.” *Id.*

Based on our review of the record, we find nothing unreasonable regarding the agency’s evaluation. While the agency did respond in a Q&A that it is not recommended to replace all the incumbent resources, the agency also noted that “the vendor can staff based off their approach.” TORP at 175. In addition, as noted above, the TORP required that offerors demonstrate their approach to retain, recruit, and train staff, as well as their “[a]bility to integrate new staff with no disruption and minimal to no ramp-up time.” TORP at 343. Consequently, the TORP did not require that offerors retain all incumbent personnel, nor did it require that offerors propose incumbent staff in key positions.

In addition, the record reflects that the agency notified Ideation of a concern during discussions regarding Ideation’s proposed recruitment/retention tools. AR, Tab 6, Req. for FPR at 3 (“Recruitment/retention tools are not exceptionally strong.”). In response to the weakness, Ideation’s FPR described its successful efforts to recruit and retain incumbent personnel on another contract using the same staffing approach proposed in response to the TORP. AR, Tab 4.2, Ideation FPR at 3-5. For example, Ideation proposed a plan for recruiting and retaining the incumbent workforce by [DELETED]. *Id.* Ideation also proposed to [DELETED]. *Id.* In evaluating Ideation’s FPR, the agency determined that Ideation’s staffing approach provided high confidence that Ideation understands the requirement and proposes a sound approach and would successfully transition and perform the contract with little or no government intervention. AR, Tab 12, TEG Consensus Report at 7. The contracting officer further explains in response to the protest that she and the TEG reviewed Ideation’s “proposed staffing plan with regard to the incumbent personnel and determined Ideation proposed a sufficient planned approach,” and thus, found Ideation’s recruitment/retention approach was no longer a weakness. COS at 5. The record also reflects that the TEG found that

each key person proposed by Ideation had the skills and experience to meet the qualifications set forth in the PWS. AR, Tab 12, TEG Consensus Report at 6-7; AR, Tab 4.1, Ideation FPR at 101-103; COS at 6-7. The protester's allegations regarding Ideation's proposed staffing approach and key personnel reflect nothing more than its disagreement with the agency's evaluation, which provides no basis to question the reasonableness of the agency's judgments. *STG, Inc., supra*. Accordingly, we deny this aspect of CWS's protest.

Corporate Experience

The protester challenges NIH's evaluation of the awardee's proposal under the corporate experience factor, arguing that Ideation "lacks experience performing IT-related services in health-specific environments (like NIH)" as required by the solicitation. Protest at 5. The agency responds that its evaluation of the awardee's experience was reasonable because the TORP did not require experience performing IT-related services in health-specific environments and that Ideation demonstrated sufficient experience to warrant a rating of high confidence.

As noted above, the TORP sought a contractor to support operations of the NIH service desk, which is responsible for logging, tracking, resolving, and reporting of service incidents and support requests. TORP at 350. With respect to the organizational experience factor, the TORP instructed offerors to "identify at a minimum two (2), and no more than four (4), contracts/task orders with the Government and/or commercial customers that demonstrate recent and relevant organizational experience." TORP at 338. Recent was defined as occurring within the past 5 years, and relevant was defined as "work similar in size, scope, cost, duration and complexity to the work described in the PWS." *Id.*

Under this factor, the TORP provided that offerors would be evaluated for demonstrating: (i) an organization's relevant and current capabilities to meet the requirements and objectives of the PWS, (ii) an organization with relevant certifications to meet the requirements and objectives of the PWS, (iii) specific prior work that is similar to size, scope, and complexity of this effort, and (iv) evidence that the organization has current capabilities to immediately execute on this requirement. *Id.* at 343.

As noted above, the protester contends that the agency's evaluation of Ideation's experience was unreasonable because the awardee lacks experience performing IT-related services in health-specific environments, such as NIH. Protest at 5. In this regard, CWS disagrees with the agency's position that the solicitation did not require offerors to demonstrate "experience with healthcare environment systems." Supp. Comments at 3. As support, the protester points to the TORP requirement that offerors demonstrate "specific prior work that is similar to size, scope and complexity of this effort." Supp. Comments at 3 (quoting TORP at 343). The protester contends that "[b]y linking size, scope, and complexity to the work anticipated by the TORP," offerors were

“necessarily required to demonstrate experience with healthcare environment systems, including [NIH’s] SPOK [system] to receive the highest rating.”⁸ Supp. Comments at 3.

Where a protester and agency disagree over the meaning of solicitation language, we will resolve the matter by reading the solicitation as a whole and in a manner that gives effect to all of its provisions; to be reasonable, and therefore valid, an interpretation must be consistent with the solicitation when read as a whole and in a reasonable manner. *IDS Int’l Gov’t Servs., LLC*, B-419003, B-419003.2, Nov. 18, 2020, 2020 CPD ¶ 383 at 4.

In our view, the solicitation supports the agency’s interpretation and fails to support CWS’s interpretation. The TORP did not require experience with healthcare environment systems; it simply directed offerors to present their experience of “specific prior work” that is “similar to size, scope, and complexity of this effort.”⁹ TORP at 343. As such, contrary to the protester’s assertion, there is nothing in the solicitation that limited the type of experience the agency would evaluate to experience in a health-specific environment. Rather, the TORP clearly provided that offerors would be evaluated based on their demonstrated “relevant and current capabilities to meet the requirements and objectives of the PWS[.]” *Id.*

Based on our conclusion that the agency’s interpretation of the solicitation--as not requiring experience with IT-related services in health specific environments, such as NIH--is the only reasonable interpretation of the TORP, we also find reasonable the agency’s evaluation of Ideation’s corporate experience.

In response to this factor, Ideation’s proposal identified two previous and two ongoing contracts in which it has performed or is performing IT related services for the U.S. Department of Agriculture, U.S. Patent and Trademark office (USPTO), and Social Security Administration. AR, Tab 4.1, Ideation FPR at 83-88 (Figures 3.5.3-3.5.4); COS at 4. The TEG concluded these were examples of current and recent past experience that successfully demonstrated Ideation’s capabilities to meet the requirements under the TORP. MOL at 8; see AR, Tab 12, TEG Consensus Report at 6-7. As the contracting officer explains in response to the protest, Ideation’s proposal “showed it has 20 years of experience working with various federal agencies providing IT support services.” Supp. COS at 1. The contracting officer explains that the awardee’s proposal demonstrated that Ideation has “experience managing messaging and integrated communications systems such as Skype, Teams, Jabber, and SPOK as well as experience providing combined application support and technical troubleshooting.”

⁸ The NIH SPOK communication system is a mobile messaging application. TORP, PWS at 405.

⁹ To the extent the protester asserts that the solicitation should have contained different requirements, this argument was required to be filed prior to the submission of proposals. 4 C.F.R. 21.2(a)(1) (protests based upon alleged improprieties in a solicitation which are apparent prior to the time set for receipt of initial proposals shall be filed prior to the time set for receipt of initial proposals).

Id. The contracting officer also states that Ideation demonstrated that it has “proven experience in providing IT support for a larger effort at the U.S Patent and Trademark Office (USPTO), where they used their support teams to pinpoint usage problem and create curriculums and education to train users.” *Id.* The contracting officer continues: “Ideation’s efforts and services with USPTO included providing support for [a] specialized communication system, such as SPOK, and customized systems for scientific and clinical analysis” and that by “[u]sing this approach at USPTO, Ideation was able to reduce the overall number of incidents.” *Id.* (citing AR, Tab 4.1, Ideation FPR at 13, 27). Based on this information in Ideation’s proposal, the contracting officer explains that she agreed with the TEG evaluation that the awardee had successfully demonstrated experience that was similar in size, scope, and complexity to the instant requirement, and therefore, concurred with the decision to provide a High Confidence rating. Supp. COS at 1. The record reflects that the agency considered Ideation’s experience as part of its evaluation of the awardee’s proposal as required by the TORP. Accordingly, this protest ground is denied.

Best-Value Tradeoff

Finally, CWS alleges that the agency’s source selection was based on an improper best-value tradeoff because, in CWS’s view, the agency’s determination that CWS and Ideation’s proposals were technically equal was unreasonable. Supp. Comments at 5. CWS further complains that “NIH failed to compare the merits (and risks) of [CWS’s and Ideation’s proposals] against one-another” and so it “fundamentally failed to conduct the required best value analysis.” *Id.* We disagree, and address these two arguments below.

In a negotiated procurement with a best-value evaluation plan--including task order procurements that request proposals but are still subject to the provisions of FAR subpart 16.5--where selection officials reasonably regard proposals as being essentially equal technically, price properly may become the determining factor in making award, and it is not necessary to perform a price/technical tradeoff. *SRA Int’l, Inc.; Vistronix, LLC*, B-413000.1, B-413000.2, July 25, 2016, 2016 CPD ¶ 208 at 12.

Here, although CWS complains that the agency did not consider or compare the qualitative differences between the proposals, the record reflects that the contracting officer, who also served as the source selection authority for this procurement, reviewed the underlying evaluation results, considered the qualitative value of the offerors’ proposals, reasonably found them to be technically equal, and properly used total evaluated cost/price as the determining factor in making the award. AR, Tab 12, TEG Consensus Report at 6-7; Tab 13, SSD at 3-4. For example, the record reflects that the TEG identified several strengths for each offeror as the basis for each offeror’s high confidence rating. AR, Tab 12, TEG Consensus Report at 5-7. The TEG found that CWS’s proposal demonstrated its approach to communicate, proactively identify problems, mitigate problem areas and risks before they manifest, a clear understanding of the support needed by the NIH, and a comprehensive approach to maintain incumbent employees. *Id.* at 5. Similarly, the TEG found that Ideation’s proposal provided a feasible and actionable transition approach, a detailed transition plan with

timelines, a comprehensive approach to service management, a detailed proposal demonstrating understanding of the work needed under the contract, a recommendation regarding [DELETED] to ensure quality that the evaluators viewed as a plus, and plans for maintaining effective communication to quickly respond to issues and requests. *Id.* at 6-7. Ultimately, based upon the strengths assessed and both offerors' resolution of all weaknesses raised, the TEG determined that although there were "minor differences" between Ideation's and CWS's proposals--such as, for example, differences in customer satisfaction ratings--the proposals were essentially equal. AR, Tab 12, TEG Consensus Report at 13. Consequently, based solely on technical merit, the TEG recommended award to both CWS and Ideation. *Id.*

The contracting officer explains that she reviewed the proposals and TEG report and concurred with the evaluation and ratings. Supp. COS at 3. After finding that the proposals were essentially technically equal, the contracting officer concluded that there would be no tradeoff as no features of these proposals would merit paying a price premium.¹⁰ AR, Tab 13, SSD at 3-4. In short, there were no "evaluated differences" to be comparatively assessed. The contracting officer then determined that Ideation's proposal represented the best value to the government because it was the lowest-priced offer. *Id.* Since no tradeoff was required, the agency's decision to make low price the deciding factor was fully consistent with the solicitation, and we see no basis to conclude that the agency's source selection decision was improper.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

¹⁰ The record reflects, however that the contracting officer did conduct a best-value tradeoff analysis between Ideation's proposal and another lower-priced proposal and determined that Ideation's proposals provided the best value to NIH. AR, Tab 13, SSD at 3-8; Supp. COS at 3.