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Decision

Matter of: 3M Scott Fire and Safety

File: B-421025.2; B-421025.3

Date: July 6, 2023

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DIGEST

1. Protest that the agency unreasonably evaluated proposals is denied where the record shows that the evaluation was consistent with the terms of the solicitation, applicable procurement statutes and regulations, and the contents of the proposals.
2. Protest that the agency unequally conducted discussions is denied where the record shows that the discussions were reasonably tailored to the contents of the proposals.
3. Protest that the agency unreasonably made the selection decision is denied where the selection official made the determination based on an integrated assessment, properly elected not to conduct a tradeoff determination, and reasonably relied on evaluation reports and recommendations prepared by other agency officials.

DECISION

Scott Technologies, Inc., d/b/a 3M Scott Fire and Safety, of Monroe, North Carolina, protests the award of a contract to MSA Safety Sales, LLC, of Cranberry Township, Pennsylvania, under request for proposals (RFP) No. FA8534-20-R-0006, issued by the Department of the Air Force for commercial safety masks and equipment. 3M argues that the agency unreasonably evaluated proposals and conducted discussions, and improperly made the selection decision.

We deny the protest.

BACKGROUND

On August 13, 2020, the Air Force issued the RFP to procure commercial self-contained breathing apparatus airpaks (SCBA), commercial SCBA masks, chemical warfare component (CWC) masks, and supplied-air respirator (SAR) kits. Agency Report (AR), Tab 8, RFP at 9, 11.¹ This equipment provides emergency services responders and workers with quality compressed air during periods of exposure to hazardous environments (e.g., toxic atmospheres). Contracting Officer's Statement (COS) at 2. The SCBA is a portable system consisting of a suit-like apparatus, which is worn on the back of the user, and can be configured with the CWC mask to provide protection in a chemical, biological, radiological, or nuclear (CBRN) environment. AR, Tab 23, Source Selection Decision (SSD) at 2.

The RFP contemplated the award of a fixed-price requirements contract to be performed over a 1-year base period and four 1-year option periods. RFP at 11. Award would be made on a best-value tradeoff basis considering technical and price factors, with the technical factor being more important than price.² RFP at 82-83.

When assessing proposals under the technical factor, the agency would assign both technical and technical risk ratings. RFP at 83. The technical rating evaluates the quality of the offeror's technical solution for meeting the agency's requirement. *Id.* at 84. The technical risk rating assesses the degree to which an offeror's proposed approach may cause disruption of schedule, degradation of performance, increased government oversight, or unsuccessful performance.³ *Id.* The technical and technical risk ratings were equally important. *Id.* at 83.

The technical factor included four equally important subfactors: field evaluation; certifications and test data; CBRN CWC design approach; and, program production plan. RFP at 84. For the field evaluation, the RFP required offerors to provide four SCBA units, and a technical representative to demonstrate usage during testing and evaluation at multiple locations. *Id.* at 79-80; see also AR, Tab 16, RFP, amend. 4

¹ Where available, GAO uses the page numbers as assigned by the agency.

² The agency would also evaluate proposals under a pass or fail small business participation factor, which would not be considered as part of the tradeoff analysis. RFP at 83.

³ When assigning technical ratings, the agency would use a color/adjectival rating system consisting of the following combinations: blue/outstanding; purple/good; green/acceptable; yellow/marginal; and red/unacceptable. RFP at 85. Additionally, the agency would use an adjectival scale consisting of low, moderate, high, and unacceptable when evaluating technical risk. *Id.*

at 14. The certifications and test data required offerors to provide copies of certifications for the proposed SCBA unit.⁴ RFP at 80.

The CBRN CWC design approach subfactor required offerors to explain how they planned to meet all CWC-specific requirements outlined in the purchase description. RFP at 80-81. As examples, the purchase description required the CWC mask to weigh less than 35 pounds, and to have built-in spectacle support. *Id.* at 227, 229. The program production plan required offerors to discuss how they intend to organize personnel, facilities, equipment, plant layout, and material resources. *Id.* at 81. Offerors were further required to explain how they would ensure complete and timely production flow and delivery schedule. *Id.*

As for the price factor, the RFP instructed offerors to complete a pricing spreadsheet when submitting their proposals. RFP at 82; *see also* AR, Tab 11, RFP, attach. 3, Price Proposal Volume Spreadsheet. The pricing spreadsheet required offerors to provide proposed unit pricing for ten testing CLINs related to the CWC mask, the actual equipment, and miscellaneous administrative tasks. AR, Tab 11, RFP, attach. 3, Price Proposal Volume Spreadsheet. The testing CLINs consisted of one CLIN for a pre-production unit, four CLINs for various reports, and five CLINs for testing of the pre-production unit. *Id.* Additionally, the testing and administrative CLINs would only be charged during the base period, while the equipment would be charged during the base and option periods. *Id.* When evaluating proposed pricing, the RFP advised that the agency would assess them for reasonableness and balance. RFP at 87.

Prior to the November 6, 2020, close of the solicitation period, four offerors, including 3M and MSA, submitted proposals. COS at 6; AR, Tab 23, SSD at 5. The evaluation produced the following relevant results:

	3M Scott	MSA
Technical		
--Field Evaluation	Blue/Outstanding, Low Risk	Blue/Outstanding, Low Risk
--Certifications and Test Data	Green/Acceptable, Low Risk	Green/Acceptable, Low Risk
--CBRN CWC Design Approach	Blue/Outstanding, Low Risk	Blue/Outstanding, Low Risk
--Program Production Plan	Green/Acceptable, Low Risk	Purple/Good, Low Risk
Small Business Participation	Acceptable	Acceptable
Total Evaluated Price	\$83,850,829	\$72,595,901

⁴ The National Fire Protection Association (NFPA), Occupational Safety and Health Administration, National Institute of Safety & Health, and Department of Transportation issue regulations or compliance standards for SCBAs. AR, Tab 23, SSD at 2.

AR, Tab 23, SSD at 27. When comparing proposals, the source selection authority (SSA) identified MSA's proposal as representing the best value. *Id.* at 29. Specifically, the SSA noted that, while MSA did not provide the most technically advantageous proposal under the field evaluation or the CBRN CWC design approach, the firm nevertheless demonstrated an excellent technical approach and understanding of the requirements. *Id.* at 28. The SSA noted that MSA's proposal received multiple strengths for these technical subfactors. *Id.* at 28-29. The SSA also found that MSA offered the most advantageous proposal under the program production plan subfactor because the firm demonstrated capacity to exceed the government's estimated requirements. *Id.* at 29. The agency also noted that MSA proposed the lowest evaluated price, and represented a price savings of \$11,254,928 (13.42 percent) when compared with 3M Scott. *Id.* at 28-29. Based on MSA's technical and price evaluations, the SSA selected MSA for award without conducting a tradeoff analysis because the firm was the highest technically rated when all the subfactors were considered together, and lowest priced. *Id.*

After learning that its proposal was unsuccessful and following its debriefing, 3M filed this protest with our Office challenging the agency's award decision.

DISCUSSION

3M Scott raises numerous allegations challenging the conduct of the acquisition. First, 3M Scott argues that the agency unreasonably evaluated its proposal under the field evaluation and program production plan technical subfactors. Second, 3M Scott argues that the agency unreasonably evaluated MSA's proposal because the Air Force did not recognize that the firm's proposal represented a high level of technical risk, and because the agency unreasonably evaluated the firm's proposal as favorable under the CBRN CWC design approach and program production plan subfactors. Third, 3M Scott argues that the agency unequally conducted discussions. Fourth, 3M Scott argues that the agency unreasonably determined that MSA's proposed price was balanced. Finally, 3M Scott argues that the agency improperly made the selection decision.

We discuss the principal allegations below, but note, at the outset, that in reviewing an agency's evaluation of proposals and source selection decision, our Office does not reevaluate proposals or substitute our judgment for that of the agency; rather, we review the record to determine whether the agency's judgment was reasonable and consistent with the solicitation's evaluation criteria, as well as applicable statutes and regulations. *SaxmanOne, LLC*, B-414748, B-414748.3, Aug. 22, 2017, 2017 CPD ¶ 264 at 3. To the extent we do not discuss any particular allegation, we have found that it does not provide a basis to sustain the protest and it is denied.

3M Scott's Technical Proposal

3M Scott argues that the agency unreasonably evaluated its proposal under the field evaluation and program production plan subfactors. We discuss the challenges in turn.

Field Evaluation Technical Subfactor

3M Scott argues that the Air Force should have assigned its proposal a strength under this subfactor because it proposed an SCBA weighing less than 35 pounds. The protester explains that the RFP required offerors to propose SCBAs weighing less than 35 pounds, and that it proposed an SCBA weighing only 34.09 pounds. Comments and First Supp. Protest at 9. As further support, 3M Scott points out that the agency assigned strengths to the other offerors' proposals, including MSA, for proposing SCBAs weighing only slightly less (e.g., 33.97 pounds). *Id.*

The agency counters that it identified a weight of 34 pounds (*i.e.*, exceeding the threshold requirement by a full pound) as a weight reduction constituting a significant benefit. Supp. COS and Memorandum of Law (COS/MOL) at 17-21. Additionally, the agency explains that a weight reduction of at least one full pound provides a noticeable decrease in physical burden, perceived and actual workload, and allows users to complete lifesaving critical missions more efficiently. *Id.* at 17.

The RFP instructed offerors to provide a written proposal explaining the proposed products, and how the products meet or exceed performance requirements. RFP at 79. For the field evaluation subfactor, the RFP also instructed offerors to provide four SCBAs and a technical representative to demonstrate their proposed equipment's functionality and compliance with performance requirements. RFP at 79-80; AR, Tab 16, RFP, amend. 4 at 14. One requirement was that the SCBA weigh less than 35 pounds when in firefighting mode (*i.e.*, the base mode). RFP at 227. When evaluating proposals under this subfactor, the RFP advised that the agency would examine whether the SCBAs met or beneficially exceeded performance requirements. *Id.* at 84.

3M Scott proposed to provide the [DELETED], and provided four units for testing. AR, Tab 29, 3M Scott Proposal at 222, 226; see also AR, Tab 22, Source Selection Evaluation Board (SSEB) Report at 226. 3M Scott explained that its SCBA satisfied the performance requirements, and as relevant here, noted that its base unit weighed only 34.09 pounds. AR, Tab 31, 3M Scott Evaluation Notices (EN) and Responses at 130.

The agency evaluated 3M Scott's proposed SCBAs as meeting the performance requirements, and assigned "blue/outstanding, low" combined color/adjectival and technical risk ratings. AR, Tab 22, SSEB Report at 244. With regard to weight, the agency noted that the SCBA weighed only 34.09 pounds, and therefore exceeded the performance requirement by 0.91 pounds; however, the agency concluded that this weight reduction was relatively insignificant and did not constitute a benefit. *Id.* at 232.

On this record, we have no basis to object to the evaluation. The record shows that the agency assessed 3M Scott's proposed SCBA as exceeding the performance requirement, but as not constituting a sufficiently significant weight reduction to warrant assignment of a strength. Although 3M Scott points out that other offerors were assigned strengths for proposing SCBA units with only slightly lower weight (e.g., 33.97 pounds), the agency explains that it considers only a full pound weight reduction as

providing a noticeable benefit to perceived physical burden.⁵ Supp. COS/MOL at 17. While 3M Scott may assert that nine-tenths of a pound constitutes a significant weight reduction, we note that position merely disagrees with the agency's judgment. See *Nirvana Enter., Inc.*, B-414951.2, B-414951.3, Dec. 19, 2017, 2018 CPD ¶ 5 at 5 (a protester's disagreement with the agency's judgment, without more, does not render an evaluation unreasonable). Accordingly, we deny the protest allegation.

Moreover, even were we to agree that the agency's standard was too rigid, we agree with the agency that the protester did not suffer any competitive prejudice from the non-assignment of a strength. Supp. COS/MOL at 22. Competitive prejudice is an essential element of a viable protest and there is no basis for finding prejudice and sustaining a protest where the protester fails to demonstrate that, but for the agency's actions, it would have had a substantial chance of receiving award. *Platinum Business Corp.*, B-415584, Jan. 18, 2018, 2018 CPD ¶ 34 at 4. Here, the agency's comparative analysis simply noted the specific weights for the SCBAs, and ranked them from lightest to heaviest. AR, Tab 35, Comparative Analysis Report at 9; AR, Tab 23, SSD at 12. Even if 3M Scott had been assigned a strength, it would have been of little consequence because the weight of 3M Scott's SCBA still would have been the least favorable as it was the heaviest of all four offerors. See *id.*

Program Production Plan Subfactor

3M Scott argues that its proposal should have received a strength because it planned to source materials from inside the United States. The agency responds that it thoroughly evaluated 3M Scott's approach, but determined that the firm's proposal merely met solicitation requirements and did not provide any special benefit. COS at 13. Further, the agency explains that the RFP did not require materials to be sourced from inside the United States, and that it did not view that feature as particularly beneficial. *Id.*; see also AR, Tab 2, MOL at 10.

As part of their written technical proposals, offerors were to provide a detailed and comprehensive discussion regarding how they planned to organize personnel, facilities,

⁵ 3M Scott argues that the agency's explanation constitutes a post-protest explanation that should be afforded little weight in our evaluative process. In our view, the explanation is consistent with the agency's evaluation determinations, and provides more detail helping to explain these conclusions. The record reflects that the agency in fact only assigned strengths to SCBA units weighing one full pound less than the minimum requirement, and that the agency applied this same standard when it evaluated CWC mask weights. AR, Tab 22, SSEB Report at 204; AR, Tab 23, SSD at 12, 20-23; Supp. COS/MOL at 18. Thus, we consider the statement as simply filling a gap in the record, and consider it accordingly. See *Wackenhut Servs., Inc.*, B-286037, B-286037.2, Nov. 14, 2000, 2001 CPD ¶ 114 at 5 ("While we generally accord greater weight to contemporaneous evidence, we will consider post-protest explanations that provide a rationale for contemporaneous conclusions, so long as those explanations are credible and consistent with the contemporaneous record.").

equipment, plant layout, and material resources to ensure complete and timely production flow and delivery schedule. RFP at 81. The agency would evaluate whether proposals demonstrate a compliant approach, and an understanding of the requirement that meets or exceeds the government's requirement in a beneficial manner. *Id.* at 84.

When describing its SCBA, 3M Scott explained that its SCBA is "Made in the USA," meaning that "all or virtually all" of the SCBA is sourced from and produced in the United States. AR, Tab 29, 3M Scott Proposal at 258. When describing its approach to material resourcing as part of its program production plan, 3M Scott explained how all required resources would be identified and available for manufacturing. *Id.* at 301, 326-328.

As noted above, the Air Force assigned "Green/Acceptable, Low" color-adjectival and technical risk ratings to the firm's proposal. AR, Tab 22, SSEB Report at 278-279. The agency stated that 3M Scott identified a detailed and comprehensive program production plan. *Id.* With regard to 3M Scott's specific approach to material resourcing, the agency noted how the firm explained its plan to identify and maintain the availability of required resources. *Id.* at 281.

Here, we find no basis to object to the evaluation. The record shows that the agency considered 3M Scott's plan to source materials in great depth, but simply determined that its domestic sourcing of materials did not provide any special benefit. COS at 13; AR, Tab 22, SSEB Report at 281; AR, Tab 49, Decl. of Logistics Management Specialist at 8-9. The agency correctly notes that the RFP did not require the agency to find domestic sourcing to be a particular benefit. COS at 13; RFP at 84. To the extent 3M Scott argues that domestic sourcing is inherently a beneficial aspect of manufacturing, we note such argument represents the protester's disagreement with the agency's evaluation judgments and does not provide us with a basis to sustain the protest. *See Nirvana Enter., Inc., supra.* Accordingly, we deny the protest allegation.⁶

MSA's Technical Proposal

3M Scott challenges the agency's evaluation of MSA's technical proposal. First, 3M Scott broadly argues that the agency should have evaluated MSA's technical proposal as demonstrating a high technical risk under every subfactor because its proposed SCBA has a faulty design and fragile structure. Second, 3M Scott argues that the agency unreasonably evaluated MSA's proposal under the CBRN CWC design approach subfactor because MSA self-identified aspects of its CWC as demonstrating "medium" risk. Third, 3M Scott argues that the agency unreasonably assigned a

⁶ 3M Scott also cites a summary chart in its proposal that describes how its program production plan is beneficial. The protester then argues that the described benefits are plentiful, and that the agency should have identified some as strengths. Protest at 15. The agency responds, and we agree, that it evaluated these aspects, and concluded that none provided a special benefit in accordance with the evaluation criteria. COS at 13-14; AR, Tab 49, Decl. of Logistics Management Specialist at 2-9.

strength to MSA's proposal under the program production plan subfactor. We discuss the challenges in turn.

Technical Risk

As noted above, the RFP advised that the agency would assign a technical risk rating to each subfactor. RFP at 85. When assigning technical risk ratings, the agency would assess the degree to which proposed approaches may cause disruption of schedule, degradation of performance, the need for increased government oversight, or the likelihood of unsuccessful performance. *Id.* The Air Force evaluated MSA as demonstrating "low" technical risk under each of the subfactors. AR, Tab 23, SSD at 27.

3M Scott broadly argues that the agency should have evaluated MSA as demonstrating a "high" level of technical risk under the field evaluation, CBRN CWC design approach, and program production plan subfactors. Protest at 16. In this regard, 3M Scott argues that MSA's proposed SCBA has a faulty design and fragile structure that makes it susceptible to degradation of performance, and identifies eleven features as likely to compromise MSA's performance. *Id.* at 16-20. For example, the protester argues that MSA's SCBA requires an adapter that must be installed using a torque wrench, and that repeatedly using the torque wrench will likely cause the adapter to degrade prematurely. Protest at 17. As another example, 3M Scott argues that MSA's SCBA has an exhalation valve in the mask, which must be cleaned regularly in order to maintain compliance. *Id.*

The Air Force responds that MSA's SCBA was certified in accordance with applicable standards, and that the "low" level of assigned risk was consistent with the results of the evaluation. COS at 15-32; MOL at 12-13.

On this record, we have no basis to object to the agency's evaluation. Our review shows that 54 agency personnel reviewed MSA's SCBA, and determined that the SCBA was "outstanding" in 162 areas. AR, Tab 22, SSEB Report at 178. Indeed, the evaluators recorded extremely positive comments about the firm's SCBA, including that the adapter was smooth and easy to operate. *Id.* at 178-184. Further, as relevant here, the evaluators significantly did not identify any damage with the SCBA's adapter, and therefore, we agree with the agency that it did not have any basis to conclude that the adapter would degrade prematurely. COS at 20; AR, Tab 22, SSEB Report at 178.

Additionally, our review confirms that the agency determined that MSA's SCBA was certified in accordance with the applicable standards. AR, Tab 22, SSEB Report at 191-192. In this regard, the agency explains that the adapter and exhalation valve passed applicable manufacturing and quality standards (*i.e.*, National Fire Protection Association Standard 1981: Standard on Open-Circuit Self-Contained Breathing

Apparatus).⁷ See *id.*; COS at 16, 19; see also RFP at 225 (identifying applicable standards). Further, 3M Scott never demonstrates precisely how the SCBA was inconsistent with the applicable standards, and thus, does not provide us with a basis to find the agency's determination to be unreasonable. See Comments and Supp. Protest at 19; Protest at 17

Thus, we deny the protest allegation because our review confirms that the assigned "low" level of technical risk was consistent with the evaluation results. Further, while 3M Scott may assert that the agency should have evaluated MSA's SCBA differently based on its perception of the SCBA's features, we note that position simply disagrees with the agency's judgment, and does not provide a basis to sustain the protest. See *Nirvana Enter., Inc., supra*.

CBRN CWC Design Approach

Next, 3M Scott argues that the Air Force unreasonably evaluated MSA's CBRN CWC design; specifically, MSA's proposal included self-identified risks and mitigation strategies, and 3M Scott argues that the agency should have considered these aspects to be extremely unfavorable. See Comments and Supp. Protest at 11-13. As additional background, the CWC mask provides an integrated filtered respiratory protection system for the user in a CBRN environment. RFP at 226. The CWC mask must be capable of providing a compressed air supply, and a filtered air system for CBRN operations. *Id.* Additionally, the CWC mask allows the user to transition from compressed breathing air to filtered air without exposure to inhalation, absorption, or ingestion contamination. *Id.*

The CWC mask also has a number of performance requirements. RFP at 227. For example, the CWC mask must be capable of being worn for long periods of time, minimize heat retention, and weigh no more than 35 pounds. *Id.* As other examples, the CWC mask must be compatible with particular filters, provide complete dermal protection against hazardous atmospheric agents, permit re-hydration capability through a drinking tube, and allow for the wearing of joint service lightweight integrated suit technology or joint firefighter integrated response ensemble. *Id.* at 230.

The RFP instructed offerors to explain their design approach in order to meet all CWC-specific requirements set forth in the purchase description. RFP at 80. Offerors were specifically instructed to provide an explicit description of the materials, components, and parts that would be used, and explain how they would be integrated into the SCBA. *Id.* Offerors were also instructed to identify any risks associated with

⁷ 3M Scott also argues that the exhalation valve requires a high level of effort by the user to exhale properly. Protest at 17; see also Protest, exh. 12, Decl. of 3M Scott Business Development Manager at 1-2. The agency explains, and our review confirms, that the SCBA was certified as meeting appropriate breathing work rates, and that the RFP did not require any standard for exhalation effort. COS at 16; MOL at 13; AR, Tab 22, SSEB Report at 191-192.

the proposed approaches, and to identify mitigation strategies as appropriate. *Id.* at 79. The RFP advised that the agency would evaluate proposals based on whether the proposed approach was sufficient to meet all requirements. *Id.* at 84. The agency would also address offerors' identified risks, and consider whether mitigation plans were manageable. *Id.* at 85.

As part of its proposal, MSA identified a proposed design for the CWC mask. AR, Tab 28, MSA Final Proposal Revision at 505. As part of its design phase, MSA explained that it completes an initial risk assessment matrix, and included that matrix for the agency's review. *Id.* at 505, 553.

Of relevance here, the matrix included two items that MSA self-identified as posing a "medium" level of risk. RFP at 553. First, the matrix identified "[DELETED]" (*i.e.*, [DELETED]) as a medium risk. *Id.* MSA explained that this risk could be mitigated by redesigning some components. *Id.* Second, the matrix identified "[DELETED]" (*i.e.*, the proposed [DELETED]) as a medium risk. *Id.* MSA explained that this risk could be mitigated by redesigning components or changing materials to reduce burn potential. *Id.*

The Air Force evaluated MSA's proposed CWC design approach as warranting "blue-outstanding, low" color-adjectival technical and technical risk ratings. AR, Tab 22, SSEB Report at 208. The agency identified several strengths associated with the firm's design, including that the CWC mask could be worn for [DELETED] hours, and is capable of fitting a wide range of face sizes. *Id.* at 206-208. The agency also determined that all performance requirements were met, and did not identify any weaknesses with the firm's approach. *Id.* at 208.

3M Scott complains that the Air Force unreasonably evaluated MSA's self-identified risks, and proposed mitigation strategies. The protester argues that MSA's first identified risk (*i.e.*, [DELETED]) is akin to an admission that the CWC is defective and does not meet essential performance requirements, and therefore should have resulted in a lower rating. Comments and Supp. Protest at 11-13. Similarly, 3M Scott argues that MSA's second identified risk (*i.e.*, [DELETED]) demonstrates that the mask does not [DELETED], and therefore should have also resulted in a lower rating. *Id.* at 13-14. The Air Force counters that it reasonably evaluated MSA's CWC design approach. Supp. COS/MOL at 28.

We have no basis to object to the evaluation. As the agency explains, and our review confirms, the record shows that the agency considered MSA's CWC design approach as providing a detailed narrative satisfying all purchase description requirements. AR, Tab 22, SSEB Report at 193. Further, and as relevant here, the record shows that the agency considered MSA's design as satisfying the operational, continuous flow, wearability, and protection requirements. *Id.* at 193-196.

Indeed, the agency concluded that MSA's design was capable of providing compressed air, transitioning from compressed air to filtered air, and preventing the user from being

exposed to hazardous atmospheric agents. AR, Tab 22, SSEB Report at 193. The record also shows that the agency evaluated the design as meeting all continuous air flow requirements. *Id.* at 195. Finally, the record shows that the agency considered MSA's design as satisfying all wearability requirements, including minimizing heat retention, as well as providing sufficient protection, including complete dermal protection. *Id.* at 204, 208.

While 3M Scott may argue that MSA's self-identification of risks demonstrates that the firm's design is defective, we are not persuaded. Instead, we agree with the agency that identifying these risks represents a realistic understanding of the requirements and an anticipatory approach to potential challenges. See Supp. COS/MOL at 23. They do not, as the protester argues, inherently mean that MSA's proposed design is destined to fail. Accordingly, we deny the protest allegation.

To the extent 3M Scott complains that the agency did not directly discuss or document its evaluation for either of the identified risks and mitigation strategies, we do not find that allegation provides us with a basis to sustain the protest. An agency is required to document its evaluation in sufficient detail to show that it was not arbitrary; however, an agency is not required to document every aspect of its evaluation. *Simborg Development, Inc.*, B-283538, Dec. 7, 1999, 2000 CPD ¶ 12 at 3; *American Electronics, Inc.*, B-419659, B-419659.2, May 25, 2021, 2021 CPD ¶ 218 at 4.

Here, the agency demonstrates that its consideration of the risks and mitigation strategies was subsumed by its general (and thoroughly reasoned) conclusion that MSA's design would satisfy all CWC-specific requirements (*i.e.*, the agency was confident that MSA's design would not result in [DELETED]). Supp. COS/MOL at 25. While the agency may not have explicitly articulated this foregoing conclusion, the record contains ample evidence showing that the agency considered all risks for unsuccessful performance, including those self-identified by MSA. AR, Tab 22, SSEB Report at 193-215; see *also* Supp. COS/MOL at 23-24 ("The Source Selection Team carefully evaluated MSA's proposal, and did not identify any weaknesses or significant weaknesses in MSA's proposals, nor did the Team identify any of MSA's 'self-identified' risks as meriting any higher than the Technical Risk Rating of Low under the evaluation criteria in the Solicitation."). Accordingly, we deny the protest allegation.

Program Production Plan

3M Scott argues that the agency unreasonably evaluated MSA's program production plan by improperly viewing MSA's production capacity as beneficial. See Comments and Supp. Protest at 3. As background, the RFP instructed offerors to provide a detailed and comprehensive discussion regarding how they planned to organize personnel, facilities, equipment, plant layout, and material resources to ensure complete and timely production flow and delivery schedule. RFP at 81. The agency would evaluate whether proposals demonstrate a compliant approach, and an understanding of the requirement that meets or exceeds the government's requirement in a beneficial manner. *Id.* at 84. Importantly, the RFP also advised that, when assigning a technical

rating, the agency “reserves the right to give positive consideration for performance in excess of threshold requirements, up to the objective requirements, when specified.” *Id.*

As part of its proposal, MSA discussed its program production plan, and identified its plan to organize personnel, facilities, equipment, plant layout, and material resources. AR, Tab 28, MSA Final Proposal Revision at 538-552. Significantly, and as relevant here, MSA explained that its facilities, production capacity, suppliers, personnel and programs would allow the firm to provide more than the required number of SCBA units, masks, CWC masks, and SAR kits per month.⁸ *Id.* at 538.

The Air Force evaluated MSA’s program production plan as warranting a “purple-good, low” combined color-adjectival technical and technical risk ratings. AR, Tab 22, SSEB Report at 215. The agency noted that MSA’s output rate exceeds its requirement per month, and determined that the output rate constituted a strength. *Id.* at 218. The agency explained that the increased capacity allows the delivery of SCBAs at a faster rate which mitigates the current risk of using expired legacy SCBAs. *Id.*

3M Scott argues that the Air Force unreasonably considered MSA’s increased capacity as constituting a strength. The protester contends that the agency applied unstated evaluation criteria because the RFP did not advise that offerors would be assigned strengths for delivering SCBAs at a faster rate. Comments and Supp. Protest at 3. 3M Scott also argues that the evaluation was unreasonable because the agency did not assess whether MSA could realistically achieve the higher output. *Id.* at 5.

The Air Force responds that the RFP permitted it to assign strengths when an offerors’ program production plan clearly exceeds the requirements in a way beneficial to the agency. Supp. COS/MOL at 3-4. Further, the Air Force explains that a clear nexus exists between assessing an offeror’s program production plan, and its ability to deliver SCBAs in a beneficial manner. *Id.* at 7. The Air Force also argues that it had no basis to question MSA’s representations regarding its capacity, and that it could reasonably rely on MSA’s representations regarding the higher output delivery schedule. *Id.* at 8-9.

Agencies are required to evaluate proposals based solely on the factors identified in the solicitation. *Aerospace Training Sys. Partners, LLC*, B-419668, B-419668.2, June 22, 2021, 2021 CPD ¶ 243 at 8. Further, agencies properly may apply evaluation considerations that are not expressly outlined in the RFP, so long as those considerations are reasonably and logically encompassed within the stated evaluation criteria. *Id.* In other words, there must be a clear nexus between the stated and unstated criteria. *Id.*

⁸ The RFP included a basic contract with specified quantities of 681 SCBAs, 673 masks, 351 CWC masks, and 12 SAR kits to be delivered on a monthly basis. RFP at 19-22. As part of its proposal, MSA included a proposed delivery schedule showing that the firm would deliver [DELETED] SCBAs, [DELETED] masks, [DELETED] CWC masks, and [DELETED] SAR kits on a monthly basis. AR, Tab 28, MSA Final Proposal Revision at 15-17.

Here, we are persuaded that the assigned strength was reasonably and logically encompassed within the stated evaluation criteria. To illustrate, the RFP provided the following evaluation criterion:

Subfactor Four: Program Production Plan. This subfactor is met when the proposal identifies a sound and feasible plan for the organization of personnel, facilities, equipment, plant layout, and material resources, and all the information clearly demonstrates a level of knowledge and understanding of the requirement that meets, or exceeds the requirements in a way beneficial to the Government.

RFP at 84. The Air Force explains, and we agree, that a clear nexus exists between assessing whether an offeror has the ability to marshal its resources in order to meet the requirement (*i.e.*, SCBA output rate), and concluding that an offeror's SCBA output rate is extremely beneficial to the agency. Supp. COS/MOL at 7.

We also agree the RFP advised that the agency would assign strengths based on higher than average output rates because the criterion stated that the agency would evaluate whether an offeror's program production plan (*i.e.*, ability to produce and deliver goods) could exceed the requirement (*i.e.*, the base quantities). RFP at 84. In this regard, the RFP provided, as part of the delivery requirements, that "[o]fferors may propose a shorter duration for delivery and may propose a higher output per month[.]" *Id.* at 41.

To the extent 3M Scott argues that the agency unreasonably failed to evaluate whether MSA realistically or actually could meet its proposed output rate, we are not persuaded. An agency may reasonably rely on information provided by an offeror in its proposal as being accurate. *HCR Constr. Inc.; Southern Aire Contracting, Inc.*, B-418070.4, B-418070.5, May 8, 2020, 2020 CPD ¶ 166 at 4-5. Here, the protester did not identify any aspect of MSA's program production plan that should have caused the agency to question the firm's projected output. In any event, the agency also noted that MSA has a thorough ability to organize its resources and produce the requisite goods efficiently. AR, Tab 22, SSEB Report at 216-218. Accordingly, we deny the protest allegation.

Discussions

3M Scott complains that the agency conducted unequal discussions because the agency instructed MSA to propose a higher output delivery schedule, but did not similarly instruct 3M Scott to do the same. Comments and Supp. Protest at 6-8. The agency maintains its discussions were not unequal but rather properly tailored to the unique proposal submissions. In this regard, the Air Force explains that it held discussions with MSA to resolve an ambiguity in its initial proposal about whether it was in fact proposing a higher output delivery schedule, whereas the protester's proposal never proposed a higher output delivery schedule. Supp. COS/MOL at 12.

As background, the agency conducted discussions with both firms. COS at 6. As relevant here, MSA's initial technical proposal included language in its proposal to indicate a higher output delivery schedule than provided for in the solicitation. AR, Tab 24, MSA Initial Tech. Proposal at 472 (proposing to provide [DELETED] SCBA per month, [DELETED] facepieces per month, [DELETED] CWC facepieces per month, and [DELETED] SAR kits per month, which exceeded the RFP requirements of 681 SCBA per month, 673 facepieces per month, 351 CWC facepieces per month, and 12 SAR kits per month); *see also* Supp. COS/MOL at 4. MSA's proposed delivery schedule, however, did not reflect the higher output, and, instead, reflected only the agency's base requirement. *Id.* at 19-21.

When reviewing MSA's initial proposal, the agency noted this discrepancy, and issued an evaluation notice explaining that any proposed higher output delivery schedule should also be reflected in the proposed delivery schedule. AR, Tab 26, Evaluation Notices to MSA and Responses at 132. Specifically, the agency requested:

Offeror is required to annotate any proposed shorter duration and/or higher output per month under the applicable [contract line-item number (CLIN)] under "Proposed Delivery" within the RFP. Request MSA update the "Proposed Delivery" under each CLIN within the RFP as applicable, to include the base year and all option years.

Id. In response, MSA submitted revisions, wherein the firm increased its output delivery schedule, and revised the proposed delivery schedule to reflect the higher output. AR, Tab 28, MSA Final Proposal Revision at 15-17, 538.

When evaluating challenges to an agency's conduct of discussions as unequal, our decisions explain that, although discussions must provide offerors an equal opportunity to revise their proposals, the content and extent of discussions are matters within the direction of the agency. *See, e.g., Universal Protection Service, LP dba Allied Universal Security Services*, B-417376.2, B-417376.3, June 20, 2019, 2019 CPD ¶ 229 at 6. Discussions with each offeror need not be identical; rather, the agency should tailor its discussions to each offeror since the need for clarification or revisions will vary with the proposals. *Id.*

Here, we conclude that the agency did not unequally conduct discussions. Unlike MSA, our review of 3M Scott's proposal does not demonstrate that the firm initially proposed a higher output delivery schedule, and the protester does not identify any part of its initial proposal where it seriously proposed a higher output. *See* AR, Tab 29, 3M Scott Initial Tech. Proposal at 342 (explaining that 3M Scott will deliver 681 SCBAs, 673 masks, 351 CWC masks, and 12 SAR kits on a monthly basis); *see also* Comments and Supp. Protest at 6-8. In this regard, while 3M Scott may argue that its proposal also referenced its capability to produce [DELETED], the protester does not any identify any section wherein the firm proposed to provide more than the minimum number of masks, as opposed to simply touting its production capacity. *See* Supp. Comments at 8.

Thus, the agency reasonably discussed the output delivery schedule with MSA, and not with 3M Scott, since the proposal contents were different. Further, while 3M Scott may argue that had the agency raised this issue during its discussions it would have increased its proposed output, we note that discussions are required to be tailored to the contents of the proposals, not that they be identical. Accordingly, we deny the protest allegation.⁹

Price Analysis

3M Scott argues that the agency failed to conduct an adequate price analysis because the Air Force did not assess whether MSA's proposed pricing was unbalanced. Comments and Supp. Protest at 21. As support, 3M Scott points out that MSA reduced its proposed unit pricing for several CLINs in its final proposal revision, and that the Air Force failed to scrutinize why or how MSA significantly reduced its proposed pricing. *Id.* at 22-23. In this regard, 3M Scott asserts that MSA possibly was able to reduce its pricing by overstating other CLINs. *Id.* at 24. The Air Force responds that it reasonably evaluated proposals for unbalanced pricing. MOL at 27-28.

For ease of reference, the RFP instructed offerors to complete a pricing spreadsheet when submitting their proposals. RFP at 82; see also AR, Tab 11, RFP, attach. 3, Price Proposal Volume Spreadsheet. The pricing spreadsheet required offerors to provide proposed unit pricing for ten testing CLINs related to the CWC mask, the actual equipment, and miscellaneous administrative tasks. AR, Tab 11, RFP, attach. 3, Price Proposal Volume Spreadsheet. The testing CLINs consisted of one CLIN for a pre-production unit, four CLINs for various reports, and five CLINs for testing of the pre-production unit. *Id.* Additionally, the testing and administrative CLINs would only be charged during the base period, while the equipment would be charged during the base and option periods. *Id.* When evaluating proposed pricing, the RFP advised that the agency would assess them for reasonableness and balance. RFP at 87.

When evaluating MSA's initial proposed pricing, the agency determined that none of MSA's CLINs were significantly overstated or understated. AR, Tab 22, SSEB Report at 223. The agency noted that most of MSA's proposed pricing reflects a logical progression; however, the agency expressed some concern with MSA's proposed pricing between the [DELETED] and [DELETED] option periods because the pricing did not increase. *Id.* The agency also noted that some of MSA's testing CLINs were higher when compared to other offerors. *Id.* As a result, the agency raised these issues with MSA during discussions. *Id.*

⁹ 3M Scott also asserts that the agency improperly conducted discussions by issuing solicitation amendments that favored MSA. Comments and Supp. Protest at 21. We deny this allegation because the record shows that the agency amended the solicitation to ensure that the agency's requirement was consistent with applicable customary commercial practices, not to favor any particular offeror. COS at 7.

MSA responded by decreasing its proposed pricing for the relevant testing CLINs, and revising its prices in the [DELETED] option year to reflect future cost increases. AR, Tab 22, SSEB Report at 224; see also AR, Tab 27, MSA Price Proposal Volume. The agency reevaluated MSA's proposed pricing for balance, and determined that MSA's pricing was not unbalanced between contract periods. AR, Tab 22, SSEB Report at 225.

The agency also examined MSA's proposed pricing for testing CLINs in the base period. AR, Tab 22, SSEB Report at 224. The agency noted that testing was solicited as "1 LOT," since these CLINs for testing, writing reports, and making a pre-production unit are highly interdependent. *Id.* Due to the interdependence, the agency computed a total proposed price for the testing CLINs, and compared all offerors' proposed prices. *Id.* at 225. Based on the comparison, the agency concluded that MSA's proposed prices for the testing CLINs were not overstated. *Id.*

Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated. Federal Acquisition Regulation (FAR) 15.404-1(g)(1). With respect to unbalanced pricing generally, the FAR requires that contracting officers analyze offers with separately-priced line-items or subline-items in order to detect unbalancing. FAR 15.404-1(g)(2). While both understated and overstated prices are relevant to the question of whether unbalanced pricing exists, the primary risk to be assessed in an unbalanced pricing context is the risk posed by overstatement of prices because low prices (even below-cost prices) are not improper and do not themselves establish (or create the risk inherent in) unbalanced pricing. *American Access, Inc.*, B-414137, B-414137.2, Feb. 28, 2017, 2017 CPD ¶ 78 at 5. Thus, to prevail on an allegation of unbalanced pricing, a protester must first show that one or more prices are significantly overstated since the risk in a price being overstated is that the Government will not receive the benefit of its bargain and will unjustly enrich the contractor. *SaxmanOne, LLC*, *supra*.

Here, 3M Scott has not alleged that any of MSA's proposed pricing is overstated; rather, it alleges that certain of MSA's proposed testing CLINs were significantly reduced during discussions. Based on this observation, 3M Scott argues, without identifying any particular CLIN, that some of MSA's proposed pricing for the production and testing CLINs could be overstated. Comments and Supp. Protest at 24; see also Protest at 25. As a result, we dismiss this allegation because 3M Scott has not met the threshold requirement of demonstrating that a particular CLIN is overstated.

Furthermore, even if 3M Scott had met the threshold requirement, we are not persuaded that the agency's analysis was defective. The record shows that the agency reviewed MSA's proposed pricing on three separate occasions for unbalanced pricing, and ultimately concluded that the firm's pricing reflected a logical progression between contract periods, and that the testing CLINs were not overstated. AR Tab 22, SSEB Report at 224-225. Additionally, the record shows that the agency did not consider

there to be any risk from contractors overstating some of their testing CLINs since these CLINs were interdependent and solicited as one lot. *Id.*

Selection Decision

3M Scott argues that the agency unreasonably made the selection decision. First, 3M Scott argues that the SSA unreasonably found MSA to be the most advantageous proposal. Second, 3M argues that the SSA unreasonably failed to perform a tradeoff determination. Third, 3M argues that the SSA failed to exercise any reasonable judgment because the record does not demonstrate that the SSA meaningfully considered the merits of the different proposals. The Air Force responds that it reasonably made the selection decision.

As referenced above, the SSA evaluated MSA's proposal as representing the best value to the agency. AR, Tab 23, SSD at 29. In making this decision, the SSA conducted an integrated assessment of all the proposals. *Id.* In this regard, the SSA meticulously and thoroughly reviewed proposals and evaluation reports for each factor, including all technical subfactors. *Id.* at 5-29.

With regard to the field evaluation subfactor, the SSA reviewed the evaluations for each proposal, and noted that all proposals received the same adjectival rating and offered similar benefits. AR, Tab 23, SSD at 5-13. Nevertheless, the SSA determined that a third offeror proposed the most advantageous approach owing to its advantage regarding wear time, and second-best approach regarding weight and mask protection. *Id.* at 13. For the certifications and test data subfactor, the SSA reviewed the evaluations, noting that all offerors satisfied the criteria, and that all proposals were equal in this regard. *Id.* at 14-15.

As for the CBRN CWC design approach subfactor, the SSA again reviewed the evaluations for all proposals, and noted that they received the same adjectival rating and offered similar benefits. AR, Tab 23, SSD at 16. Ultimately, the SSA determined that 3M Scott offered the most advantageous approach because the firm's was considered equal to MSA and another offeror for wear time, equal to MSA for mask fit, but provided the best approach to mask protection. *Id.* at 22-23. Under the program production plan subfactor, the SSA reviewed the evaluation, and noted that MSA's proposal was clearly superior. *Id.* at 23. The SSA noted that only MSA proposed to provide a higher output delivery schedule, which would be beneficial to the agency in mitigating the risk of using potentially expired equipment. *Id.* at 25.

The SSA then reviewed proposed pricing information, noting that MSA was the low offeror, and that 3M Scott was the third-lowest (or second-highest) offeror of the group. AR, Tab 23, SSD at 26-27.

The SSA then reviewed the SSEB's findings. AR, Tab 23, SSD at 28-29. Significantly, the SSEB concluded that MSA's proposal provides the best value because it was evaluated similarly to the most advantageous proposals under the field evaluation and

CBRN CWC design approach subfactors, had the strongest proposal under the program production plan subfactor, and was evaluated as proposing the lowest price. *Id.* As such, the SSEB recommended that the SSA forgo a tradeoff determination because MSA submitted the highest rated and lowest priced proposal. *Id.* at 29. Based on this information and his review of the proposals, the SSA concurred with the SSEB's evaluation and recommendation, noted that MSA offered the most technical advantageous proposal and was evaluated as proposing the lowest price, and therefore selected MSA for award. *Id.*

Our Office will review an agency's selection decision to ensure that it is reasonable and consistent with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *Picturae, Inc.*, B-419233, Dec. 30, 2020, 2021 CPD ¶ 13 at 8.

On this record, we find the SSA's selection decision unobjectionable. Contrary to the protester's position, the record shows that the SSA reasonably found MSA to represent the most technically advantageous proposal. While the record shows that a third offeror and 3M Scott were the most technically advantageous proposals under the first and third proposals respectively, the record also shows that the SSA considered the margin between all proposals to be very narrow. Further, the record shows that the SSA found MSA's proposal to represent a clear advantage under the program production subfactor. Thus, we agree with the agency that the SSA reasonably found MSA's proposal as representing the highest technically rated proposal.

Next, we disagree with the protester that the agency improperly failed to conduct a tradeoff determination. A tradeoff is not required where the highest-rated, lowest-priced proposal is selected for award. *Pontiac Flying, LLC*, B-414433 *et al.*, June 12, 2017, 2017 CPD ¶ 188 at 10. Thus, the SSA did not improperly failed to conduct a tradeoff determination because the record shows that MSA was reasonably determined to be the highest technically rated, and was evaluated as proposing the lowest price.

Finally, we are not persuaded that the SSA failed to exercise his independent judgment. We have consistently recognized that agency selection officials have broad discretion in determining the manner and extent to which they will make use of evaluation and comparison results in making their determination. *See Peraton, Inc.*, B-420918.2, B-420918.3, Dec. 8, 2022, 2022 CPD ¶ 311 at 8. So long as the ultimate selection decision reflects the selection official's independent judgment, such officials may rely on reports, analyses, and comparisons prepared by others. *Id.*

As noted above, the record shows that the SSA conducted an integrated assessment of all the proposals, reviewed the evaluation judgments and comparisons made by the

SSEB, and ultimately exercised his independent judgment to find that MSA's proposal represented the best value. While the SSA did rely on the SSEB's evaluations, judgments, and comparisons, we find nothing objectionable about such reliance.

The protest is denied.

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General Counsel