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Decision

Matter of: NetCentrics Corporation

File: B-421172.2; B-421172.3

Date: October 23, 2023

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Michael P. Price, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging various aspects of the agency's evaluation of quotations and best-value determination is denied where the agency's evaluation was reasonable and consistent with the terms of the solicitation, and the challenge to the best-value determination is derivative of the evaluation challenges.
 2. Protest challenging the reasonableness of the agency's organizational conflict of interest investigation is denied where the agency reasonably found the awardee's work under a previous task order did not result in the awardee having access to nonpublic, competitively useful information.
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DECISION

NetCentrics Corporation, of Herndon, Virginia, protests the issuance of an order under a blanket purchase agreement (BPA) to Leidos, Inc., of Gaithersburg, Maryland, under request for quotations (RFQ) No. 29FTC122Q0002, issued by the Federal Trade Commission (FTC) for information technology (IT) services and solutions. The protester contends that the agency miscalculated quotations, and that the agency's organizational conflict of interest (OCI) investigation with respect to the awardee was unreasonable.

We deny the protest.

BACKGROUND

On June 15, 2022, the FTC issued the RFQ to holders of the agency's information technology support services (ITSS) BPA pursuant to the procedures of Federal Acquisition Regulation (FAR) subsection 8.405-3. Agency Report (AR), Tab 2, RFQ at 2; Contracting Officer's Statement (COS) at 3.¹ The procurement represented the ninth task order issued under the FTC ITSS BPA and the RFQ sought quotations for enterprise user support services. RFQ at 3. The agency anticipated issuing a hybrid fixed-price and time-and-materials task order for 12 months, with up to eight 12-month options. *Id.* at 2.

The RFQ advised that the FTC intended to issue an order to the responsible vendor whose quotation conformed to the solicitation and was "most advantageous to the [g]overnment (i.e., that which represents the best value to the [g]overnment), price and other factors considered." *Id.* at 116. The RFQ's non-price evaluation factors, listed in descending order of importance, were: (1) technical approach; (2) management approach; and (3) relevant experience/past performance. *Id.* The RFQ informed vendors that when combined, the non-price factors were significantly more important than the price factor. *Id.* The RFQ also advised that vendors were required to provide oral presentations; however, oral presentations would not be evaluated as a separate factor, but rather the information presented would support the factors to which the content was related. *Id.* at 90, 116.

The RFQ provided an adjectival rating scheme for the FTC's evaluation of the non-price factors. *Id.* at 119. For the technical approach and management approach factors, a vendor's quotation could receive a rating of unsatisfactory, satisfactory, very good, or exceptional, depending on its proposed approach. *Id.* at 119-120. For the relevant experience and past performance factor, a vendor's quotation could receive a rating of neutral, unsatisfactory, satisfactory, very good, or excellent, depending on its performance record and relevant experience examples provided. *Id.* at 121. The RFQ also provided definitions for deficiencies, significant weaknesses, weaknesses, strengths, and significant strengths, which could be assigned to various aspects of a vendor's quotation, and which would be a factor in determining which adjectival rating to assign to a quotation.² *Id.* at 122.

FTC received timely quotations from two vendors, NetCentrics and Leidos, by the August 1, 2022, deadline for receipt of quotations. COS at 2, 6. Leidos and NetCentrics provided the required oral presentations on August 3 and August 4

¹ The RFQ was amended eight times for substantive changes and to incorporate questions and answers. COS at 2-3. All citations to the RFQ refer to amendment 002 unless otherwise indicated. All citations to page numbers refer to the Adobe PDF page numbers unless otherwise indicated.

² The RFQ advised that the agency would not use adjectival ratings for the price evaluation factor.

respectively. *Id.* Both NetCentrics and Leidos were incumbent vendors performing pursuant to FTC ITSS BPA task order 2 and task order 3, respectively; the agency stated that through task order 9, it intended to consolidate the services provided under task order 2 and task order 3 into a single order. *Id.* at 3.

After receiving oral presentations, FTC’s technical evaluation team (TET) evaluated quotations. *Id.* at 6. Ultimately, the agency selected Leidos for the order on September 28, and provided NetCentrics with a brief explanation of its decision on October 3. *Id.*; AR, Tab 16, Brief Explanation of Initial Award at 2.

On October 12, NetCentrics filed with our Office a timely protest of the issuance of the task order to Leidos. COS at 6. Among the protest grounds were challenges to the agency’s evaluation of quotations and an allegation of an OCI with respect to Leidos, on the basis that Leidos had unequal access to nonpublic information through its performance of task order 3. *NetCentrics Corp.*, B-421172.1, Oct. 27, 2022 (unpublished decision). In response, the agency elected to take corrective action and pledged to “reevaluate offerors’ proposals and conduct a new best value determination consistent with the terms of the RFQ.” *Id.* Our Office dismissed the protest as academic on October 27. *Id.*

On July 3, 2023, the FTC notified NetCentrics that it had completed its reevaluation of quotations and an OCI investigation in response to the initial protest. AR, Tab 21, Notice of Unsuccessful Vendor and Brief Explanation at 3. The agency explained its investigation found no OCI with respect to Leidos, and that its reevaluation of quotations led to the selection of Leidos’s quotation as the best value to the government at a total evaluated price of \$103,555,223.38, compared to NetCentrics’s total evaluated price of \$104,624,007.06. *Id.* at 4. The agency’s reevaluation of quotations yielded the following results:

	NetCentrics	Leidos
Technical Approach	Satisfactory	Exceptional
Management Approach	Very Good	Satisfactory
Rel. Experience/Past Perf.	Very Good	Excellent
Total Evaluated Price³	\$104,624,007.76	\$103,555,223.38

AR, Tab 19, Award Summary at 9. NetCentrics timely filed the instant protest with our Office on July 13. Protest at 1.

³ The agency explains that the total evaluated prices included optional “surge” pricing for certain contract line-item numbers, which added \$9,500,000 to both vendors’ pricing. AR, Tab 21, Notice of Unsuccessful Vendor and Brief Explanation at 4.

DISCUSSION

NetCentrics challenges FTC's evaluation of quotations under every non-price evaluation factor. Specifically, the protester contends that the agency: (1) misevaluated quotations under the technical approach factor; (2) misevaluated quotations under the management approach factor; (3) misevaluated quotations under the relevant experience/past performance factor; (4) made a flawed best-value determination; and (5) conducted an unreasonable OCI investigation. Protest at 2-3; Comments & Supp. Protest at 2-3.

The FTC argues that its non-price evaluation was reasonable and consistent with the terms of the solicitation. Memorandum of Law (MOL) at 1. The agency primarily maintains that NetCentrics's quotation was not sufficiently detailed in various respects and thus generally merited lower ratings than Leidos's quotation, or was otherwise assigned weaknesses that impacted its adjectival ratings under multiple evaluation factors. *Id.* at 4, 7. With regard to its OCI investigation, the agency argues its investigation was reasonable and properly determined that Leidos did not have a disqualifying OCI. *Id.* at 1.

Where, as here, an agency issues an RFQ to Federal Supply Schedule vendors under FAR subpart 8.4 and conducts a competition for the issuance of an order or establishment of a BPA, we will review the record to ensure that the agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. *XL Assocs., Inc., d/b/a XLA*, B-417426.3, Jan. 16, 2020, 2020 CPD ¶ 33 at 4. The evaluation of quotations is a matter within the discretion of the procuring agency; we will not question the agency's evaluation absent a showing that the evaluation is unreasonable or inconsistent with the solicitation. *Battelle Mem'l Inst., B-420253 et al.*, Jan. 12, 2022, 2022 CPD ¶ 31 at 5.

We discuss NetCentrics's challenges to the FTC's evaluation of quotations under each evaluation factor in turn below, in addition to the protester's remaining protest grounds. For the reasons explained herein, we deny the protest. Though this decision does not address all of NetCentrics's collateral protest grounds, our Office has considered them all and find none afford a basis on which to sustain the protest.

Evaluation of the Technical Approach Factor

NetCentrics challenges the FTC's evaluation and assignment of ratings under the technical approach factor in two primary respects. First, the protester challenges each weakness the agency assigned to the firm's quotation under this factor.⁴ Comments &

⁴ In its initial protest, the protester's challenge to the agency's evaluation under the technical approach factor indicated that the agency assigned the protester four strengths and one weakness. Protest at 16. This challenge was based on information contained in the brief explanation of award the agency provided on July 3, which did not
(continued...)

Supp. Protest at 6-17. Second, the protester alleges that the agency engaged in disparate treatment by failing to assign the protester a significant strength for two aspects of its technical solution, while assigning Leidos significant strengths for what the protester characterizes as offering the same or lesser solutions. *Id.* at 3-6.

The FTC argues that NetCentrics's protest grounds under this factor are based on "incorrect factual premises" and represent mere disagreement with the agency's reasonable evaluation. Supp. MOL at 7. Regarding the allegation of disparate treatment, the agency maintains that the protester has failed to show that the differences in ratings assigned did not stem from differences between the vendors' quotations, and therefore should be denied. *Id.* at 8.

As previously stated, when reviewing a protest challenging an agency's evaluation, we do not reevaluate quotations, nor substitute our judgment for that of the agency, as the evaluation of quotations is a matter within the agency's discretion. *SMS Data Products Grp., Inc.*, B-418925.2 *et al.*, Nov. 25, 2020, 2020 CPD ¶ 387 at 4-5. A protester's disagreement with the agency's evaluation and assessment, without more, does not establish that the evaluation was unreasonable. *Kord Techs., Inc.*, B-417748.6 *et al.*, Aug. 11, 2020, 2020 CPD ¶ 286 at 6. In addition, it is a vendor's responsibility to submit a well-written quotation for the agency to evaluate, and a vendor that fails to do so runs the risk that its quotation will be evaluated unfavorably. *New Generation Solution, LLC*, B-421447, May 11, 2023, 2023 CPD ¶ 128 at 6.

For the technical approach factor, the RFQ instructed each vendor to:

describe its technical solution and its approach for completing each of the tasks described in the PWS [performance work statement]. The proposed approach shall demonstrate that the [vendor] fully understands the requirements; has the capacity to fulfill the requirements; describes a logical approach for achievement of all stated requirements; and provides a detailed description of techniques, procedures, and tools to be used for fulfilling the requirements. . . .

RFQ at 91. The PWS's requirements were broken down into sections and subsections; for example, PWS section 6.4 generally covered identity, credential, and access management (ICAM) requirements, and PWS subsection 6.4.5 covered, at a more granular level, operations and maintenance ICAM. *Id.* at 4-5.

include a full accounting of the strengths and weaknesses assigned to quotations. See AR, Tab 21, Notice of Unsuccessful Vendor and Brief Explanation. After additional evaluation documents were produced with the agency report that provided more detailed information regarding the strengths and weaknesses assigned to the protester's quotation, the protester timely raised supplemental protest grounds challenging the correct, specific strengths and weaknesses discussed herein. See Comments & Supp. Protest.

The RFQ advised that the FTC’s evaluation of this factor would consider “[t]he soundness, quality, and feasibility of the proposed technical solution and approach for meeting the specific requirements and objectives set forth in the PWS.” *Id.* at 116. An aspect of a vendor’s technical approach could receive a strength where that aspect “increase[d] the likelihood of successful contract performance,” and would warrant a significant strength if the aspect “appreciably increase[d]” the likelihood of successful performance. *Id.* at 122. Conversely, a flaw in a vendor’s technical approach could receive a weakness where it “increase[d] the risk of unsuccessful contract performance,” and would warrant a significant weakness if the flaw “appreciably increase[d]” the risk of unsuccessful performance. *Id.*

The FTC assigned NetCentrics’s technical approach a rating of satisfactory. AR, Tab 19, Award Summary at 9. In assigning this rating, the agency’s technical evaluation team (TET) report identified eight strengths and four correctable weaknesses in the protester’s quotation.⁵ AR, Tab 18, TET Report at 31. For each weakness assessed, the agency explained that the protester’s quotation did not provide an adequately detailed approach to the PWS subsection in question. *See, e.g.*, AR Tab 18, TET Report at 32 (the “technical solution and approach PWS 6.4.1 (ICAM Program Management) and 6.4.5 (Operations and Maintenance ICAM) is not sufficiently detailed for the government to fully understand its soundness, feasibility, and quality. . . .”); *id.* at 31, 34, 36, and 37.

The FTC assigned Leidos’s technical approach a rating of exceptional. AR, Tab 19, Award Summary at 9. In assigning this rating, the TET report identified four significant strengths, 11 strengths, and three correctable weaknesses in the awardee’s quotation. AR, Tab 19, Award Summary at 9.

Weaknesses Assigned to NetCentrics’s Quotation

In challenging all four of the weaknesses assessed under the technical approach factor, NetCentrics generally argues that the agency was incorrect in determining that aspects of its quotation lacked sufficient detail, and that the agency ignored relevant information contained in the quotation. Comments & Supp. Protest at 11, 13, 15, and 17. In this regard, the protester cites to specific passages from its quotation that the agency allegedly overlooked to challenge the agency’s conclusions. *See, e.g.*, Comments & Supp. Protest at 7-11.

FTC argues that its conclusions about the lack of detail in NetCentrics’s technical approach were reasonable. Supp. MOL at 13-14. Further, the agency disputes the protester’s contention that the agency overlooked certain information in the protester’s

⁵ The RFQ did not specifically define the term “correctable weakness”; it was used in the definitions for the adjectival ratings. For example, the definitions for the “exceptional” and “very good” ratings stated that a quotation assigned these ratings may have “correctable weaknesses” while the definition for the “unsatisfactory” rating stated that a quotation assigned this rating may have “uncorrectable weaknesses.” RFQ at 119.

quotation. In this regard, the agency maintains the disputed information was either: addressed in the TET report; vague and lacking in detail; simply a restatement of general IT principles; a mere recitation of PWS requirements; addressed a different PWS subsection than the protester alleges; or was contained in another part of the protester's quotation, *i.e.*, not the technical approach section. *Id.* at 14-19. The agency further argues that it was not required to "cobble together information from other sections" of the protester's quotation that addressed "different task areas," or otherwise make inferences that were not provided in the quotation. *Id.* at 14.

The challenges to the weaknesses assigned to NetCentrics's quotation all express similar arguments; though we do not address all of them, and instead analyze some representative examples below, we have reviewed them all, and find none establishes a basis on which to sustain the protest.

The FTC assigned NetCentrics's technical approach a weakness with respect to PWS subsections 6.4.1 and 6.4.5, dealing with ICAM. AR, Tab 18, TET Report at 32. PWS 6.4.1 provided in part that the agency was working to develop a comprehensive ICAM program in accordance with the Zero Trust security model, and that the selected contractor would be responsible for identifying and implementing the appropriate features, components, and capabilities of FTC's identity and access management solutions to maximize functionality and utilization. RFQ at 22-23. Section 6.4.5 of the PWS provided that the contractor will manage, secure, and support all ICAM instances and environments on behalf of the FTC, and listed specific tasks to meet this end. *Id.* at 25. One of the four weaknesses found that although the protester's quotation stated it would ensure there is "[DELETED]" access and that it would generate "[DELETED]," these statements merely "describe what Zero Trust principles and requirements entail" and did not give the agency an understanding of the protester's actual solution and approach. AR, Tab 18, TET Report at 32-33.

In challenging this assigned weakness, NetCentrics argues that additional information in its quotation relevant to the excerpt cited by the agency adequately explained its approach to ICAM in this respect. Comments & Supp. Protest at 7-8. Therefore, according to the protester, the agency ignored relevant information, and merely "papered the record to reach a presupposed outcome." *Id.* at 7. In challenging this weakness, the protester contends that it "not only proposed to provide [DELETED] access and associated policies" but that it explained how it would do so in its quotation with the following language: "[DELETED]." *Id.* (*citing* AR, Tab 11, NetCentrics Quotation at 16).

NetCentrics's assertion that the FTC ignored this information or merely "papered the record," however, is contradicted by the record. In this regard, the TET report shows that the agency considered the exact sentence cited by the protester. The TET report stated: "[s]ometimes, the [vendor] does sufficiently explain what it means – for instance . . . the [vendor] states that it will '[DELETED].'" AR, Tab 18, TET Report at 33. The TET report then further explained why the protester's approach was still insufficiently detailed with respect to these PWS subsections, stating that "[DELETED] is just one

aspect of ICAM, and the limited instances in which the [vendor] provides concrete details about its approach are not enough to give the government a full understanding of the [vendor's] approach to ICAM Program Management and [Operations and Maintenance]." *Id.*

Therefore, based on our review of the record, the protester's contention that the agency "entirely ignored information" is without merit. Comments & Supp. Protest at 11. To the contrary, the record shows that the agency considered the very information allegedly ignored, and contemporaneously explained why the quotation lacked sufficient detail. The protester's challenge thus amounts to disagreement with the agency's evaluation, and, without more, does not establish a basis to sustain the protest.

As another example with respect to the same weakness, the TET found that although NetCentrics's quotation included a section addressing endpoint device management, stating the protester would "[DELETED]," this statement merely described general principles of the Zero Trust security model without providing sufficient detail regarding how its approach would be implemented. AR, Tab 18, TET Report at 32.

In response, NetCentrics argues in a similar vein as above--if the agency had not "cherry-pick[ed] a small excerpt," of the protester's quotation, it would have found that the protester explained its approach in full, as the quotation also stated that the protester would "[DELETED]" to create the role-based access controls and define security policies that align with Zero Trust principles. Comments & Supp. Protest at 9 (*citing* AR, Tab 11, NetCentrics Quotation at 21).

However, NetCentrics's assertion is again contradicted by the record, as the TET report shows the agency considered the exact sentence that the protester argues the agency overlooked. The TET report stated: "the [vendor] cites to the following examples as addressing ICAM governance on p. 12 of its submission . . . '[DELETED] . . . '[t]hese statements, even when viewed with the other information in the [quotation], do not constitute a sufficiently detailed approach to ICAM." AR, Tab 18, TET Report at 33. Therefore, the record again demonstrates that the agency did not overlook or ignore this information as the protester alleges, but in fact considered many of these exact statements. Thus, the protester's challenges to the agency's evaluation in this regard can properly be characterized as disagreement with the agency's judgment. We therefore find this challenge to the weakness assigned under PWS 6.4.1 and 6.4.5 to be without merit.

The FTC also assigned NetCentrics's technical approach a weakness with respect to PWS subsection 6.5.5, dealing with custom application development using Microsoft 365. AR, Tab 18, TET Report at 34. Subsection 6.5.5 of the PWS provided that "[t]his task covers custom application development that utilizes Microsoft 365 as the primary platform. The [c]ontractor may be requested to develop small-sized and mid-sized custom applications using Microsoft 365 software development tools, including Power Platform." RFQ at 28. The RFQ further explained that the contractor would manage the operation and maintenance of custom apps developed under this task. *Id.*

In assessing the protester's quotation with a weakness, the TET found that the protester's "proposed technical solution and approach for meeting the specific requirements and objectives in PWS 6.5.5 (Custom Application and Development Microsoft 365) is insufficiently detailed for the government to fully understand its soundness, feasibility, and quality, which increases the likelihood of unsuccessful contract performance." AR, Tab 18, TET Report at 34. The TET further explained that the protester's quotation failed to provide a general explanation of its approach to manage the development of custom applications as projects, including failing to propose how its approach would "identify requirements and determine costs based on those requirements." *Id.*

NetCentrics challenges this assigned weakness and argues that its quotation provided far greater detail than what the agency described in its evaluation and in the TET report. Comments & Supp. Protest at 13. The protester points to several passages from its quotation that it maintains address how the protester intended to identify requirements and determine costs for custom application development as required by PWS subsection 6.5.5. See, e.g., *id.* at 12 ("NetCentrics'[s] technical proposal provides that one of the key benefits of NetCentrics'[s] approach to Information Security Services is its approach to [DELETED]"); *id.* ("[DELETED]").

However, the FTC explains that these passages cited by NetCentrics are not relevant to PWS subsection 6.5.5, custom application development with Microsoft 365. Supp. MOL at 15-16. For example, the agency asserts that one of the passages cited by the protester plainly references its approach to information security services, which has no bearing on custom application development. Supp. COS at 10-11. Similarly, the agency states that NetCentrics's commitment to a [DELETED] for its applications aligns more closely with the continuous improvement process required by PWS subsection 6.5.2, Microsoft 365 operations and maintenance. *Id.* at 10.

Based on our review of the record, we find the agency's explanations reasonable. The agency determined that the protester's approach was insufficiently detailed with respect to PWS subsection 6.5.5. The information to which the protester cites is, according to the agency's reasonable interpretation of the protester's quotation, not relevant to PWS subsection 6.5.5. We therefore find no basis to disagree with the agency's judgment in this regard. The protester's quotation contained headings that addressed the broader PWS sections (e.g., "Endpoint Device Management [PWS 6.5 . . .]") followed by accompanying narratives, but did not demonstrate to the agency's satisfaction that NetCentrics understood all requirements of the PWS at the granular level presented in the RFQ. While the protester may point to other parts of its quotation or disagree with the agency's characterization of some of the statements, where a vendor fails to submit a well-written quotation, it runs the risk that its quotation will be evaluated unfavorably.

New Generation Solution, LLC, supra at 6. Accordingly, we find no basis to question the agency’s judgment in this regard, and this protest ground is denied.⁶

Significant Strengths Assigned to Leidos’s Quotation

NetCentrics argues that the FTC’s evaluation of the technical approach factor was also flawed because the agency disparately treated NetCentrics’s and Leidos’s quotations in two respects. Comments & Supp. Protest at 3-6. First, the protester contends that the agency engaged in disparate treatment because it assigned Leidos a significant strength for its proposed use of the Microsoft platform PowerBI,⁷ while failing to award NetCentrics a significant strength for proposing to use an identical platform, which made the two quotations “substantively indistinguishable.” *Id.* at 4. Second, the protester contends that the agency applied different evaluation standards in evaluating the vendors’ approaches to enterprise service desk management. *Id.* at 5. In this regard, the protester challenges the agency’s assignment of a significant strength to Leidos because the awardee presented a “nonsensical[]” approach to improving first call resolution and customer satisfaction metrics, where NetCentrics’s quotation explained that in its previous experience with task order 3, the protester already had substantiated metrics that were superior to what the awardee proposed in its technical approach. *Id.*

The FTC argues that NetCentrics’s challenge amounts to nothing more than disagreement with the agency’s judgment. Supp. MOL at 9. More specifically, the

⁶ In comments filed in response to the supplemental agency report, the protester argues for the first time that the agency failed to consider information relevant to PWS subsection 6.5.5 that was provided in its oral presentation. Supp. Comments at 9-11. In this regard, the protester argues that the “RFQ required the FTC to evaluate the oral presentation as part of the [t]echnical [a]pproach factor,” and that the agency failed to mention the protester’s approach to custom application development as detailed in its oral presentation. *Id.* at 11. Our regulations do not contemplate the piecemeal presentation or development of protest issues though later submissions citing examples or providing alternate or more specific legal arguments missing from the earlier allegations of impropriety. *New Generation Solution, LLC, supra* at 11 n.10. We will dismiss a protester’s piecemeal presentation of arguments that could have been raised earlier in the protest process. *Id.* Here, the protester was provided a copy of the agency’s TET report when the initial agency report was filed; the agency report also contained the protester’s oral presentation slides. The protester’s argument that the agency should have considered information in the protester’s oral presentation as it related to PWS subsection 6.5.5 therefore could have been asserted in the protester’s supplemental protest. Accordingly, this argument first raised in the comments on the supplemental agency report is untimely and will not be considered. 4 C.F.R. § 21.2(a)(2).

⁷ The protester explains that PowerBI is an artificial intelligence tool used to analyze large amounts of data on a single screen or dashboard. Comments & Supp. Protest at 4.

agency argues that Leidos's technical approach with respect to use of the PowerBI platform included a demonstration of its plan and an explanation of how the awardee would use the platform to the benefit of the agency, while NetCentrics's quotation "did nothing more than include two passing references to PowerBI." *Id.* The agency also contends that it did not disparately evaluate quotations with respect to the vendors' approaches to enterprise service desk management because the protester did not propose to [DELETED] in the same way the awardee did. *Id.* at 11. The agency further maintains that the protester's arguments conflate the technical approach factor with the relevant experience factor. In this regard, the agency asserts that the awardee's technical approach described a plan to [DELETED] for the task order at issue here, while the protester's quotation merely described its previous experience, without making the same commitment to [DELETED] under the current task order. *Id.*

When a protester alleges disparate treatment in a technical evaluation, it must show that the differences in the evaluation did not stem from differences between the vendors' quotations. *SMS Data Products Grp., Inc., supra* at 8-9. Accordingly, to prevail on an allegation of disparate treatment, a protester must show that the agency unreasonably failed to assess strengths for aspects of its quotation that were substantively indistinguishable from, or nearly identical to, those contained in other quotation. See *Battelle Mem'l Inst.*, B-418047.3, B-418047.4, May 18, 2020, 2020 CPD ¶ 176 at 5.

Here, we find the differences in strengths assessed to the vendors' quotations were the result of material differences in the quotations, and not the unequal treatment of vendors. As to the use of the PowerBI platform, the record demonstrates that the vendors' quotations described in different ways how the PowerBI platform would be used. For example, Leidos's quotation makes several references to use of the PowerBI platform under various PWS subsections. The awardee's approach states it would "[DELETED]." AR, Tab 24, Leidos Quotation at 2. The awardee further explains that its [DELETED] solution involves [DELETED]. *Id.* at 5, 6 and 8-9.

Conversely, NetCentrics's quotation states it "[DELETED]" and that its team is "[DELETED]." AR, Tab 11, NetCentrics Quotation at 17, 19. The agency argues that the protester's inclusion of the PowerBI platform in a list of other platforms it is familiar with and operates does not describe how it would use the platform in a manner similar to what the awardee proposed. The protester argues that any offeror proposing to use PowerBI for the current task order would be required to configure the dashboard in a way useful to the agency and tailor it to provide useful information. Supp. Comments at 5. However, as detailed above, the record shows that the protester's quotation did not demonstrate how NetCentrics would configure or tailor the PowerBI platform in the same way as the awardee's quotation. Therefore, we find no reason to question the agency's judgment in this regard, or otherwise determine the evaluation to be unreasonable. As the protester has not shown that the quotations were nearly identical in this regard, we find no basis to sustain the allegation of disparate treatment.

Similarly, we find NetCentrics has not identified aspects of its and Leidos's quotations that were substantively indistinguishable with respect to enterprise service desk management services. Leidos's technical approach, for example, included a specific commitment to [DELETED]. AR, Tab 19, Award Summary at 10. The protester does not identify a similar commitment to [DELETED] in its own quotation, however, and instead points to its historical performance of enterprise service desk management services under task order 3 of the BPA. The protester argues the agency improperly gave Leidos a significant strength because the protester's own quotation demonstrates that under task order 3, it achieved a [DELETED] percent first call resolution rate and a [DELETED] percent "very satisfied" customer satisfaction rating, and Leidos's commitment to [DELETED] would put these metrics over 100 percent. Comments & Supp. Protest at 5. The agency's response, with which we agree, explains that task order 9 is a new requirement, and the metrics and targets on which it based its evaluation were those established by the RFQ, which set a target of 85 percent rates for both those metrics, and not the protester's historical performance under a previous task order. Supp. MOL at 12; RFQ at 61.

More importantly, the FTC explains that NetCentrics's approach, while mostly describing its experience under task order 3, does not make an actual commitment to [DELETED] as Leidos under task order 9, and in this regard, "NetCentrics cannot reasonably expect to receive a [s]ignificant [s]trength for [DELETED] that it did not propose." Supp. MOL at 13. We agree. While the protester may have achieved [DELETED] under its work on a previous task order, where its quotation did not adequately demonstrate a similar commitment to achieving the same on the new task order, we find the agency's evaluation was reasonable. Further, we find there was no disparate treatment here because the protester cannot demonstrate its approach was nearly identical to the awardee's. Therefore, this protest ground is also denied.

Evaluation of the Management Approach Factor

NetCentrics challenges the FTC's evaluation of quotations under the management approach factor in multiple respects. First, the protester challenges the weakness assessed to its quotation with respect to one of its key personnel, the chief technical engineer (CTE). Protest at 19. In this regard, the protester argues that the agency's evaluation was unreasonable because the CTE's resume "objectively shows specific experience" in all areas required by the PWS. *Id.* Second, the protester argues that Leidos should have received a significant weakness, rather than a weakness, for proposing an enterprise service desk manager who would work off-site. Comments & Supp. Protest at 22. Finally, the protester challenges multiple strengths assigned to its quotation, arguing that the TET's own explanation of its findings supported a significant strength, rather than a mere strength. *Id.* at 19.

The FTC argues that its evaluation of the proposed key personnel for both vendors was reasonable. MOL at 7; Supp. MOL at 23. In this regard, the agency contends that it reasonably concluded that the resume of the protester's proposed CTE failed to clearly demonstrate the CTE possessed the requisite skills and experience, and that the

protester's challenge to the awardee's enterprise service desk manager represents mere disagreement with the agency's judgment. *Id.* Similarly, the agency argues that the protester's disagreement with the assignment of strengths, as opposed to significant strengths, for certain aspects of the protester's management approach amounts to nothing more than disagreement with its judgment. Supp. MOL at 21-22.

Evaluation of Key Personnel

As relevant to the protest grounds alleged here, the RFQ instructed vendors to "clearly indicate personnel proposed as key and provide resumes of those key personnel." RFQ at 92. The RFQ further stated that:

[r]esumes shall clearly demonstrate that the [vendor] fully understands the requirements of the PWS, and that the key personnel possess the appropriate education, experience, training, and relevant experience necessary to lead the work and minimize the FTC's day-to-day involvement. [Vendors] who fail to provide sufficient detail to substantiate qualifications of key personnel may be rendered deficient.

Id. The RFQ also advised that the agency's evaluation would consider the extent to which quotations identified key personnel with "appropriate education, skills, [and] experience . . . necessary to increase the likelihood of overall successful performance and the ability to meet all requirements in the PWS." *Id.* at 117. With respect to the CTE, the RFQ stated that the CTE "is responsible for architecting and managing the modernization, growth, and maturity of FTC's use of the multiple technical solutions," and is responsible for the technical architecture, including "lead[ing] all planning and design activities," and governance and compliance performance requirements in the PWS. *Id.* at 56.

NetCentrics's quotation identified a CTE currently serving as the [DELETED] endpoint device team manager. AR, Tab 11, NetCentrics Quotation at 72. The proposed CTE's resume highlighted his experience with the firm [DELETED] dating back to 2017, including his work on [DELETED], as well as various IT positions, including senior and team lead positions, dating back to 2007. *Id.* at 72-73.

Overall, the FTC assigned NetCentrics a rating of very good under the management approach factor, based on five strengths and one weakness. AR, Tab 19, Award Summary at 17. In assigning the weakness to the protester's quotation, the TET noted in part that although the proposed CTE demonstrated responsibility for endpoint devices like laptops and phones in his current role under [DELETED], the CTE under task order 9 would be responsible for "designing, configuring, customizing, and architecting not just on front-end service on the endpoint devices but also for the various components of the back-end of the cloud services." AR, Tab 18, TET Report at 42. The TET also explained that the proposed CTE did not have the requisite experience in governance and compliance capabilities, as required by the RFQ, based on his experience as the endpoint device manager under [DELETED]. *Id.* Finally, the TET noted that the proposed CTE's resume lacked information concerning the size, scope,

and complexity of the firm [DELETED] and the government clients it serves, such as the number of employees, the infrastructure, and the security requirements for [DELETED] or its government clients. As a result, the TET could not evaluate whether the proposed CTE's experience with that firm was similar to the FTC or relevant to the work required by task order 9. *Id.*

Here, we find no basis to disturb the FTC's evaluation of NetCentrics's proposed CTE. Importantly, the RFQ required the key personnel resumes to clearly demonstrate that proposed individuals fully understand the PWS's requirements and have the requisite experience to successfully perform under the task order at issue. The agency determined that the proposed CTE's resume did not effectively demonstrate the individual possessed experience at a level and scope comparable to the PWS requirement under task order 9. AR, Tab 18, TET Report at 43. While the protester points to other portions of its management approach and other sections of its technical volume, including the relevant experience section, to support its argument that its CTE has the required skills and experience with firms that performed work of a similar size and scope, the RFQ plainly called for such information to be clearly demonstrated by the key personnel's resume. Our decisions have consistently stated that an agency is not required to piece together general statements and disparate parts of a protester's quotation to determine the protester's intent; rather, it is the protester's responsibility to submit an adequately written quotation that addresses the requirements of the RFQ. *See SRA Int'l, Inc.; NTT DATA Servs. Fed. Gov't, Inc., B-413220.4 et al.*, May 19, 2017, 2017 CPD ¶ 173 at 12 n.19. The protester thus ran the risk of an unfavorable evaluation rating by submitting a quotation that did not clearly address the RFQ's requirements in the manner prescribed by the RFQ.⁸ Accordingly, this protest ground is denied.

With respect to the enterprise service desk manager, the RFQ stated that the manager "will take on day-to-day management of the call center staff and activities," and "is responsible for ensuring the [enterprise service desk] meets all required services levels." RFQ at 56. The RFQ did not require the enterprise service desk manager to work on-site. *See id.* Leidos's quotation identified a proposed enterprise service desk manager who would work off-site, and the FTC assigned a single "correctable" weakness to the awardee's quotation solely because its proposed enterprise service desk manager would work off-site. AR, Tab 19, Award Summary at 11.

⁸ We note that the protester still received a rating of very good under the management approach factor. Even if we were to agree with the protester's challenge to the weakness assessed to its quotation for its proposed CTE, the protester could not have received a rating of exceptional because the RFQ stated that exceptional ratings were merited only by quotations that contained "several significant strengths." RFQ at 119. The protester did not receive any significant strengths under the management approach factor, and as we discuss below, we also deny the protester's arguments claiming that the agency should have evaluated some of its assigned strengths as significant strengths, instead.

We find reasonable the FTC's assessment of a weakness--and not a significant weakness--to Leidos's quotation for its proposed enterprise service desk manager. NetCentrics argues that an off-site manager would present an appreciable increased risk to successful contract performance because the manager "cannot effectively manage the day-to-day aspects of the service desk while off-site," but offers no explanation as to why an off-site manager cannot effectively manage day-to-day operations from a remote location. Comments & Supp. Protest at 22-23. Further, the RFQ did not require the enterprise service desk manager to work on-site. In any event, the agency found this flaw in the awardee's quotation represented only a weakness. Given the RFQ requirements for this position, we find no basis to disturb the agency's exercise of its judgment in this regard, where the protester otherwise does not explain why the agency's evaluation was unreasonable, and instead merely disagrees with the agency's characterization of the degree of the flaw in the awardee's quotation. Accordingly, this protest ground is denied.

Challenges to NetCentrics's Strengths

NetCentrics argues that four of the strengths its quotation received for its management approach merited significant strengths instead. Comments & Supp. Protest at 19. The FTC contends that the protester's arguments amount to mere disagreement with the agency's judgment. Supp. MOL at 21-22. While we do not address each of the protester's challenges under this protest ground, we have considered them all and find no basis to question the agency's exercise of its discretion in this regard. A representative example is discussed below.

An agency's judgment that the features identified in a quotation did not significantly exceed the requirements of the solicitation, and thus did not warrant the assessment of unique strengths, is a matter within the agency's discretion and one that we will not disturb where the protester has failed to demonstrate that the evaluation was unreasonable. *Battelle Mem'l Inst.*, B-420253 *et al.*, May 19, 2017, 2017 CPD ¶ 31 at 6; *see SMS Data Products Grp., Inc.*, *supra* at 6 (explaining that a protester's arguments that its quotation merited more heavily or significantly weighted strengths and higher adjectival ratings reflect little more than disagreement with the agency's judgment, and without more, do not provide a basis to demonstrate the agency's judgment was unreasonable).

As an example of an aspect of its quotation that NetCentrics argues merited a significant strength, the protester notes that "the TET described NetCentrics's solution as '*increasing customer satisfaction, reducing the amount of downtime, and increasing the speed of resolution*' and demonstrating '*reasonable and thoughtful recommendations.*'" Supp. Comments at 14-15 (*citing* AR, Tab 18, TET Report at 45) (emphasis added by protester). The FTC credited this aspect of the protester's quotation with a strength, and the protester offers no explanation as to why the agency's subjective judgment in this regard was unreasonable, other than italicizing certain words used to describe the approach. While the protester suggests that the TET evaluators' own descriptions--and in particular the italicized words--demonstrate the protester's

quotation offered “material and substantive benefits that surpass the RFQ’s definition of [s]trength,” this argument represents disagreement with the agency’s evaluation, and, without more does not provide a basis on which to sustain the protest. Supp. Comments at 14. The protester’s remaining examples of strengths it alleges should have been significant strengths contain nearly identical arguments. Accordingly, this protest ground is also denied.

Evaluation of the Relevant Experience/Past Performance Factor

NetCentrics argues that the FTC’s evaluation under the relevant experience/past performance factor was flawed. In this regard, the protester raises three primary arguments: (1) the agency applied a “heightened requirement” and overlooked or ignored critical information relating to the protester’s ICAM experience; (2) the agency failed to consider the quality of the protester’s past performance; and (3) the agency failed to consider qualitative information for Leidos’s past performance, particularly as it relates to Leidos’s experience as an incumbent under the FTC ITSS BPA at issue here. Comments & Supp. Protest at 23-32.

The FTC contends that it thoroughly considered all experience and performance information submitted by both NetCentrics and Leidos. MOL at 9; Supp. MOL at 24. The agency argues that the protester’s challenges amount to disagreement with the agency’s judgment that does not establish that the agency’s evaluation was unreasonable. MOL at 12; Supp. MOL at 25

As previously stated, in reviewing protests challenging an agency’s evaluation, our Office does not reevaluate quotations; rather, we review the agency’s evaluation to determine whether it was reasonable and consistent with the solicitation, as well as applicable statutes and regulations. *W.W. Grainger, Inc.*, B-420045, B-420045.2, Nov. 4, 2021, 2021 CPD ¶ 358 at 5. In general, a corporate experience evaluation is distinct from an evaluation of past performance. *Id.* at 10. Specifically, a corporate experience evaluation focuses on whether an offeror or vendor has actually performed similar work, while a past performance evaluation concerns the quality of the work. *IBM Corporation*, B-415798, Mar. 27, 2018, 2018 CPD ¶ 130 at 5.

Here, however, the RFQ provided that relevant experience and past performance would be evaluated under a single, combined evaluation factor. RFQ at 118-119. With respect to experience, the RFQ instructed vendors to submit examples of projects that demonstrated “their ability to manage work and complete projects of similar size, scope, and complexity for federal agencies.” *Id.* at 92. Among the types of relevant experience sought by the agency, and as relevant to the protest, was experience “[o]perating and administering ICAM tools for identity provisioning and administration, access management, and identity auditing and reporting.” *Id.* at 93. With respect to past performance, the RFQ instructed vendors to submit past performance questionnaire forms (PPQs) for each of the relevant experience examples provided. Additionally, vendors were required to include narratives that addressed the vendors’ ability to

provide services and manage contracts or projects of a similar size, scope, and complexity. *Id.*

The RFQ also established that the FTC's evaluation under this factor would consider the extent to which the vendor demonstrates recent and relevant experience managing the type of work required by the PWS. *Id.* at 118. To merit a rating of excellent under this factor, vendors were required to demonstrate, among other things, "superior performance in managing the type of effort contemplated under this task order," while a quotation would merit a rating of very good or satisfactory for demonstrating, among other things, "high" or "acceptable" performance, respectively. *Id.* at 121. The RFQ did not state whether relevant experience or past performance would be weighted more heavily in reaching a rating under this evaluation factor. *See id.* at 118-119.

Evaluation of NetCentrics's Relevant Experience/Past Performance

NetCentrics raises multiple challenges to the FTC's evaluation of its relevant experience and past performance. The protester alleges that the agency applied a "heightened requirement" to its quotation that required the protester to demonstrate "development and implementation" of ICAM tools, contrary to the terms of the RFQ, which required vendors to demonstrate experience only with "operating and administering" ICAM tools. Comments & Supp. Protest at 24. The protester further alleges that the agency overlooked or ignored relevant information in its quotation that demonstrated its ICAM experience. *Id.* NetCentrics also contends that the agency "completely disregard[ed]" information relating to the quality of its contract performance. *Id.* at 27.

The FTC maintains that its evaluation of NetCentrics's relevant experience and past performance was thorough and reasonably documented. MOL at 9. The protester's challenges, according to the agency, represent mere disagreement with the agency's judgment that are insufficient to establish that the agency acted unreasonably. *Id.* at 11.

NetCentrics submitted five projects with its quotation to demonstrate its relevant experience and past performance. AR, Tab 11, NetCentrics Quotation at 75-100. In assigning a rating of very good, the FTC explained that the protester demonstrated "acceptable performance in managing the type of effort contemplated under the task order . . . with a single [s]ignificant [w]eakness based on the [vendor's] limited experience related to ICAM."⁹ AR, Tab 18, TET Report at 46-47. Regarding this significant weakness, the agency explained that the protester's relevant experience "does not sufficiently describe recent and relevant experience operating and

⁹ The TET explained that although NetCentrics's experience and past performance correlated to a rating of satisfactory, because the RFQ stated that vendors "whose relevant experience made use of Agile development and Lean Management 'will be rated higher,'" and NetCentrics demonstrated such experience, it received a rating of very good. AR, Tab 18, TET Report at 47. Leidos's quotation received a similar boost in rating under this evaluation factor, elevating its quotation from a rating of very good to a rating of excellent. *Id.* at 27.

administering ICAM tools . . . appreciably increasing the risk of unsuccessful contract performance.” *Id.* at 48. Further, the agency noted that the protester’s quotation “often cite[d] to irrelevant examples that do not indicate that it performed ICAM work,” and where the quotation did indicate ICAM work, the work was limited to [DELETED], and the quotation otherwise did not sufficiently describe the protester’s work with ICAM as required. *Id.* at 49. The TET report also provided a general statement concerning the scores earned by the protester in its PPQs, as well as performance information included with its quotation. *Id.* at 47.

More specifically, in relation to NetCentrics’s experience example of the FTC ITSS BPA under task order 3, the TET explained that the protester “is not currently contractually responsible for the operation and administration of FTC’s ICAM tools,” and that the protester’s narrative statements are instead related to work that is separate and distinct from operating and administering ICAM. *Id.* at 49. As another example, in relation to the protester’s experience performing under an Air Force contract, the TET concluded that the protester’s submission “is not an example of operating and administering ICAM tools for identity provisioning and administration, access management, and identity auditing and reporting,” and instead references experience which “is distinct from the administration of the ICAM tools themselves.” *Id.* at 51.

Based on our review of the record, we find no basis to sustain the protest with respect to NetCentrics’s challenges to the FTC’s evaluation of its relevant experience and past performance. The protester contends that the agency’s evaluation improperly required the protester to demonstrate “development and implementation” of ICAM tools, instead of operation and administration as prescribed by the RFQ, but this contention is not supported by the record. Indeed, for each of the five experience examples submitted, the agency contemporaneously explained why the protester’s quotation failed to demonstrate experience “operating and administering” ICAM tools of the type required by the PWS. See AR, Tab 18, TET Report at 49-52; see, e.g., *id.* at 49 (“[t]his generally appears to address the sharing of services or resources . . . [w]ithout further explanation this does not sufficiently demonstrate that the [vendor] has sufficient ICAM experience”). For some of the examples, the agency indicated that the examples provided by the protester do not even relate to ICAM. See, e.g., *id.* at 50 (“[t]his is not an example of operating and administering ICAM tools for identity provisioning and administration, access management, and identity auditing and reporting. The [vendor’s] example refers to performing normal help desk operations”).

We also find NetCentrics’s claim that the FTC ignored certain information is contradicted by the record. For example, the protester alleges that the TET overlooked how NetCentrics’s contract with the Air Force “integrates the use of [DELETED] and implements [DELETED], skills that are directly relevant to ICAM administration and again unreasonably ignores that experience leveraging ICAM tools is relevant to the PWS.” Comments & Supp. Protest at 26. The agency, however, plainly considered this information:

[w]ith respect to the Air Force contract, the [vendor] states . . . '[DELETED].' This is not an example of operating and administering ICAM tools. . . . The [vendor's] example refers to their leveraging of an existing [DELETED] system . . . which is distinct from the administration of the ICAM tools themselves.

AR, Tab 18, TET Report at 51. The record confirms that the agency therefore did not overlook this information as the protester alleges, but rather, the protester disagrees with the agency's interpretation of the protester's quotation and its comparison of the experience described to the PWS requirements relating to ICAM.¹⁰ Accordingly, this protest ground is denied.¹¹

Finally, we find no basis to sustain NetCentrics's allegation that the FTC failed to consider its past performance information, that is, the quality of its work under previous projects.¹² As stated above, the RFQ prescribed an evaluation methodology where relevant experience and past performance were to be considered under the same evaluation factor. The RFQ instructed vendors to submit information relating to both of these factors, but was silent as to the weight the agency would assign each of them. The stated evaluation criteria for this factor advised vendors that the agency would consider "[t]he extent to which the [vendor's] relevant experience demonstrates recent

¹⁰ As another example, the protester summarily argues that for the "FTC Autotech contract, the TET also ignores the potential relevancy of NetCentrics's experience in administration, maintenance, security, and governance of system and data management access to specific sub-areas of PWS Section 6.4." Comments & Supp. Protest at 26. The protester provides no explanation as to what information the agency failed to consider, and we again conclude that the protester's argument represents nothing more than disagreement with the agency's judgment.

¹¹ The protester also alleges that the agency unreasonably required all of the protester's experience examples to demonstrate experience operating and administering ICAM tools, where experience with ICAM was only a part of the stated evaluation criteria under the relevant experience/past performance evaluation factor. Comments & Supp. Protest at 26. We find this argument to be meritless. The record does not indicate that the agency assessed a significant weakness because each of the protester's submitted projects failed to demonstrate experience with administering ICAM tools. Rather, the record suggests that the flaw was assessed because, across all five examples, the protester failed to sufficiently demonstrate sufficient experience. See AR, Tab 18, TET Report at 52 ("[t]herefore, not having a sufficient relevant experience in this area is considered a significant weakness as it appreciably increases the risk of unsuccessful contract performance").

¹² The protester alleges that the agency "completely disregarded information relating to the quality of contract performance," but then concedes that the agency "briefly mentions" performance information in the TET Report. Comments & Supp. Protest at 27, 28.

and relevant experience managing the type of work required in the PWS” in certain specified areas. RFQ at 118.

The only mention of past performance under the section of the RFQ addressing the evaluation factors is in the ratings methodology, where the RFQ explained what level of past performance and relevant experience was necessary to merit a particular adjectival rating. For example, to achieve a rating of very good, vendors had to demonstrate “high performance in managing the type of effort contemplated under [the] task order,” in addition to demonstrating it has “applied innovative approaches and solutions as well as industry practices, technologies, methodologies, and processes to meet the needs of its customers.” *Id.* at 121. A rating of very good required a showing that “provides the government with confidence that it has the required experience to provide the government with high performance with low risk.” *Id.*

NetCentrics fails to explain how the FTC’s evaluation was unreasonable or inconsistent with the stated terms of the RFQ. While the protester describes multiple RFQ provisions instructing vendors to submit past performance information and what the information should demonstrate, the protester does not identify an evaluation criterion with which the agency failed to apply or comply. Indeed, the protester argues that the RFQ “explicitly instructed [vendors] to include [past performance] information in their narratives, presumably for the purpose of consideration by the TET.” Comments & Supp. Protest at 29. But the protester fails to identify with any specificity how the agency’s evaluation was inconsistent with the terms of the solicitation. While the record suggests that the agency considered relevant experience to be more important than past performance, as demonstrated by the TET report’s attention to relevant experience, the protester does not adequately explain why this was unreasonable. Because the agency demonstrated that it considered NetCentrics’s past performance, albeit in a less robust fashion than it considered relevant experience, we do not find the agency’s evaluation in this regard to be unreasonable. To the extent the protester disagrees with the weight the agency afforded past performance, such a challenge amounts to an untimely challenge to the terms of the solicitation. 4 C.F.R. § 21.2(a)(1); *Eagle Techs., Inc., B-420135.2 et al.*, June 22, 2022, 2022 CPD ¶ 198 at 9. Accordingly, this protest ground is denied.

Evaluation of Leidos’s Relevant Experience/Past Performance

NetCentrics challenges the FTC’s evaluation of Leidos’s quotation under the relevant experience/past performance factor. Similar to its challenge to the evaluation of its own quotation, the protester argues that the agency improperly “mechanically tallied the number of contract references” provided and otherwise ignored or failed to document its consideration of the qualitative aspects of Leidos’s past performance record. Comments & Supp. Protest at 30. The protester further alleges the agency’s actions were especially unreasonable given Leidos’s poor performance in terms of timeliness under FTC ITSS BPA task order 2. *Id.* at 31.

The FTC argues that the record demonstrates the agency considered the submitted PPQs for both vendors. Supp. MOL at 24. Specifically, the agency explains that any issues concerning Leidos's performance under FTC ITSS BPA task order 2 were considered and resolved to the satisfaction of the agency. *Id.* Further, the agency contends that, in accordance with the evaluation criteria, its evaluation under this factor also considered relevant experience. *Id.* at 25. Ultimately, the agency argues that the protester simply disagrees with the agency's evaluation, and the weight assigned to PPQs and past performance versus relevant experience. *Id.*

Leidos submitted six projects for the FTC's consideration under the relevant experience and past performance evaluation factor. AR, Tab 18, TET Report at 26. In assigning a rating of excellent, the FTC explained that the awardee demonstrated "high performance in managing the type of effort contemplated under the task order," and its quotation merited two significant strengths and two strengths because its relevant experience examples "exceeded or adequately covered the functional areas." *Id.* at 26-27. The TET report also documented the agency's consideration of past performance, noting the awardee had ratings of "3 and 4 in most areas."¹³ *Id.* at 27.

The agency also included excerpts of some of the positive comments received with the awardee's PPQs; for example, under a Department of Justice (DOJ) contract, the agency documented DOJ's observation that Leidos "consistently recruit[s] quality talent and deliver[s] quality work." *Id.* With respect to performance problems on the FTC ITSS BPA task order 2, the agency explained that some delays were caused by factors outside of Leidos's control, "such as a government shutdown, delays in decision-making by FTC management, and the COVID-19 pandemic." *Id.* Ultimately, the agency concluded that any issues with Leidos's performance were resolved "to the FTC's satisfaction, [and] they did not negatively impact Leidos's past performance evaluation for [task order] 2."¹⁴ *Id.*

Here, we find no basis to disturb the FTC's evaluation of Leidos's relevant experience and past performance. As explained above, the RFQ was silent as to the relative weight of relevant experience information versus past performance information submitted by vendors for evaluation. The agency therefore had discretion in this regard, so long as its evaluation was otherwise consistent with the terms of the solicitation and treated vendors equally. Though the protester expresses concern particularly with the agency's evaluation of the awardee's performance as it related to FTC ITSS BPA task

¹³ The RFQ's PPQ template provided that vendors' references should assign the vendor numerical ratings across a variety of performance metrics, including quality of product or service, timeliness of performance, and business relations. RFQ at 150-151. Numerical ratings were on a scale of 1 to 4, with a 1 indicating unsatisfactory past performance, and a 4 representing outstanding past performance. *Id.* at 150.

¹⁴ Leidos's PPQ indicates it received ratings of mostly good, with a single outstanding and a single acceptable rating, from the FTC IT Program Manager. AR, Tab 25, Leidos PPQ at 26-28. These ratings are consistent with the TET's conclusions.

order 2, the agency contemporaneously documented that the awardee had resolved any prior issues to the agency's satisfaction.¹⁵

Best-Value Determination

NetCentrics's last challenge to the FTC's evaluation of quotations alleges that the agency's best-value determination was flawed. Protest at 31. In this regard, the protester argues that because the best-value determination was based on multiple evaluation errors, it lacked a rational basis and thus provides grounds for sustaining the protest. *Id.* The agency argues that the protester's challenge to the best-value determination is derivative of the protester's other challenges and therefore, if the other challenges to the evaluation of quotation are denied, so too should the challenge to the best-value determination. MOL at 16.

Our Office has consistently stated that where other challenges to an agency's evaluation of quotations have been denied or otherwise dismissed, a derivative challenge to the best-value determination does not afford a basis to sustain the protest. *B&M Consulting Grp., Inc.*, B-420450.2, Jun. 29, 2022, 2022 CPD ¶ 167 at 6. Here, we have denied all of the protester's other challenges to the evaluation of quotations. Therefore, this protest ground is also denied.

Organizational Conflict of Interest (OCI) Investigation

NetCentrics argues that Leidos has a disqualifying unequal access to information OCI and that the FTC's OCI investigation was unreasonable. Specifically, the protester alleges that the investigation was "woefully inadequate," and that the agency failed to provide meaningful details as to how it conducted the investigation. Protest at 28. The protester further contends that because Leidos developed an IT modernization roadmap for the agency under its work on task order 2, Leidos possessed useful, nonpublic information that extended beyond mere incumbent advantage and that gave Leidos an unfair competitive advantage in competing for the current task order. Comments & Supp. Protest at 32.

The FTC argues that as part of its corrective action stemming from the previous protest, it meaningfully considered whether a potential OCI with respect to Leidos existed, and its contemporaneous investigation documented its reasonable determination that there was no OCI. MOL at 12. Further, the agency contends that NetCentrics has not identified any information to which Leidos had access that gave Leidos an unfair advantage that extends beyond mere incumbent advantage. *Id.* at 14. With respect to the roadmap identified by the protester, the agency argues that the roadmap represented the agency's current state during task order 2, and not the future state to

¹⁵ The protester takes issue with the awardee's receipt of a score of "2" on its PPQ relating to the FTC ITSS BPA task order 2 contract; however, a score of "2" corresponds to a rating of acceptable.

be applied to future task orders, and therefore, did not provide Leidos an unfair advantage. Supp. MOL at 26.

An unequal access to information OCI exists where a firm has access to nonpublic information as part of its performance of a government contract and where that information may provide the firm a competitive advantage in a later competition. FAR 9.505-4; *AAR Manufacturing, Inc., d/b/a AAR Mobility Systems*, B-418339, Mar. 17, 2020, 2020 CPD ¶ 106 at 8. The concern regarding this category of OCI is that a firm may gain a competitive advantage based on its possession of proprietary information furnished by the government or source selection information that is relevant to the contract but is not available to all competitors, and such information would assist that contractor in obtaining the contract. See FAR 9.505(b). We review the reasonableness of a contracting officer's OCI investigation and, where an agency has given meaningful consideration to whether an OCI exists, we will not substitute our judgment for the agency's, absent clear evidence that the agency's conclusion is unreasonable. *Zolon Tech, Inc.*, B-419280.4, Mar. 18, 2021, 2021 CPD ¶ 154 at 6.

It is well-settled, however, that while an offeror may possess unique information, advantages, and capabilities due to its prior experience under a government contract, including performance as the incumbent contract, the government is not required to equalize competition to compensate for such an advantage, unless there is evidence of preferential treatment or other improper action. *AAR Manufacturing, Inc., supra* at 9.

In response to NetCentrics's initial protest, the record reflects that the contracting officer conducted a detailed inquiry regarding Leidos's alleged access to nonpublic information as part of its work under task order 2 of the FTC ITSS BPA. AR, Tab 17, OCI Memorandum at 4-6. The contracting officer explained that he interviewed a number of people to determine whether Leidos had access to nonpublic information that would have given it an unfair advantage competing for task order 9, including: the IT BPA program manager, the TET for task order 9, the contracting officer's representative and alternate contracting officer's representative for task orders 2 and 3, and other managers who interacted with both NetCentrics and Leidos. *Id.* at 4. The contracting officer found no evidence of Leidos receiving information that would give it an unfair competitive advantage. *Id.* The contracting officer found that agency staff did not provide Leidos with any nonpublic information that Leidos could have used to structure its technical solution to task order 9 that was not also provided to NetCentrics. *Id.*

With regard to the IT roadmap challenged by NetCentrics, the contracting officer explained that the roadmap was a deliverable under Leidos's task order 2, and was expected to "provide an analysis of FTC's current state (at the time of [task order 2] award) and propose a plan to transition the FTC's [then] existing office productivity and collaboration applications to their proposed cloud-based solution while managing risks." *Id.* The contracting officer further explained that while Leidos provided that roadmap, it was "limited to work done during the contract period of performance and supporting the scope of [that] contract," and that it would therefore not be competitively useful to Leidos for purposes of task order 9. *Id.* at 4-5. The contracting officer stated that the roadmap

“was not used and will not be used by the FTC for anything other than meeting [task order 2’s] deliverable requirements.” *Id.* at 5-6. The contracting officer also explained that with specific respect to task order 9, the agency shared a draft PWS with all of its IT BPA vendors. *Id.* at 5. Other information is shared with all current BPA vendors during weekly meetings, and any day-to-day interaction with vendors is limited to discussion regarding the vendors’ current work. *Id.*

NetCentrics argues that the OCI investigation failed to account for how Leidos’s roadmap recommendations under task order 2, and the FTC’s presumed adoption of those recommendations, gave Leidos an unfair competitive advantage to craft a more detailed technical approach for task order 9. Supp. Comments at 19. The protester specifically notes the “application architectures and configuration diagrams” that were tailored to the FTC’s systems and requirements. *Id.*; see AR, Tab 22, Leidos Roadmap. The protester contends that this specific information cannot be considered stale, or outdated, as the agency contends, because the agency did not meaningfully address the extent to which the roadmap information relates to the task order 9 requirements. Supp. Comments at 20.

Here, the record indicates that the contracting officer did meaningfully consider whether the roadmap information would be competitively useful to Leidos under task order 9. The contracting officer’s investigation involved multiple interviews that culminated in his conclusion that Leidos’s work under task order 2, including the roadmap delivered in 2019 (almost three years before the deadline for quotations in this procurement), was not competitively useful to the 2022 solicitation for task order 9.¹⁶ AR, Tab 17, OCI Memo at 4-5. The protester makes repeated reference to “architectures and configurations,” but fails to adequately explain how these 2019 roadmap deliverables were competitively useful, nonpublic information for the 2022 procurement at issue.

¹⁶ In this regard, the protester’s reliance on our Office’s decision in *Dell Services Federal Government, Inc.*, B-414461, B-414461.2, Jun. 21, 2017, 2017 CPD ¶ 192, is misplaced. In that decision, an awardee received information relating to the protester’s pricing, labor rates, and staffing strategies. While the agency argued that information was “stale” with respect to the acquisition at issue, our Office sustained the protest because we found “nothing in the record to show that the agency made any effort either to investigate, or to avoid, neutralize, or mitigate, any possible OCI on the part [of the awardee].” *Dell Services Federal Government, supra* at 8-9. Here, there is no allegation that the awardee had access to the protester’s proprietary information. Moreover, the record demonstrates that the agency did investigate the possible OCI on the basis of access to nonpublic information. Indeed, the agency took corrective action in response to NetCentrics’s initial protest in order to consider whether Leidos had access to competitively useful nonpublic information.

For example, the protester does not explain how information in the roadmap is related to any of the specific requirements in the PWS for this procurement. Accordingly, this protest ground is also denied.

The protest is denied.

Edda Emmanuelli Perez
General Counsel