



Decision

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Matter of: BTAS, Inc.

File: B-422624.2; B-422624.6

Date: February 5, 2025

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William R. Black, Esq., General Services Administration, for the agency.
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DIGEST

1. Protest that agency's cost realism evaluation improperly failed to consider the government estimate and the total evaluated price range stated in the solicitation is denied where agency reasonably relied on other comparisons to establish cost realism.
2. Protest challenging the agency's evaluation of the protester's technical proposal is denied where the evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

BTAS, Inc., a small business located in Beavercreek, Ohio, protests the issuance of a task order to Credence Management Solutions, LLC, a small business located in McLean, Virginia, under Task Order Request for Proposal (TOR) No. 47QFPA24R0001, issued by the General Services Administration (GSA), Federal Acquisition Service, on behalf of the United States Space Force, Space Systems Command (SSC), for command staff support services. BTAS argues that the agency's evaluation of technical and cost proposals was unreasonable.

We deny the protest.

BACKGROUND

GSA issued the TOR on January 30, 2024, under the procedures of Federal Acquisition Regulation (FAR) subpart 16.5, to holders of GSA's One Acquisition Solution for Integrated Services (OASIS) small business indefinite-delivery, indefinite-quantity (IDIQ) contract pool 5B.¹ Agency Report (AR), Exh. 3, TOR amend. 0009 (hereinafter TOR) at 1; Contracting Officer's Statement (COS) at 1. The solicitation contemplated the issuance of a task order, using cost-plus-fixed-fee contract line item numbers (CLINs) for the two main CLINs and cost-reimbursable (no fee) CLINs for other direct costs and the contract access fee, with a 12-month base period and four 1-year option periods. TOR at 3.

The agency sought proposals for advisory and assistance services to the SSC, to include acquisition, financial, and administrative capabilities to execute effective and responsive integrated program management of space-related research, development, production, and lifecycle acquisition activities. *Id.* at 4. The solicitation provided for the evaluation of proposals based on three factors: quality control plan (to be evaluated on a pass/fail basis), technical capability, and cost/price. *Id.* at 60. Award was to be made on a best-value tradeoff basis considering the latter two factors, in descending order of importance. *Id.* The technical capability factor included the following two elements: task order management plan and contractor experience with command staff support requirements. *Id.* at 61-63. The TOR explained that these two elements "will not be individually rated and are not subfactors," but rather, "[t]hey are areas of emphasis for offerors to focus their attention on and there will be only one (1) overall technical rating." *Id.* at 60.

After the initial evaluation of proposals, in May 2024, GSA selected Credence for award. Protest, exh. C, Notification of Award (May 20, 2024) at 3. Thereafter, another unsuccessful offeror filed a protest at GAO. In response, the agency notified our Office of its decision to take corrective action to reevaluate proposals and make a new award decision. *Tecolote Rsch., Inc.*, B-422624, June 20, 2024 (unpublished). As a result, our Office dismissed the protest as academic. *Id.*

Upon completion of the reevaluation, the agency assigned the following overall ratings to the proposals of BTAS and Credence:²

¹ Although the procurement at issue here was a task order competition under a multiple-award IDIQ contract, the agency issued the solicitation as a TOR, rather than as a request for quotations, and refers to the submission of proposals from offerors instead of quotations from vendors. For consistency and ease of reference to the record, we do the same.

² The TOR explained that a single rating would be provided for each offeror under the technical capability factor based on the overall evaluation of the two elements. TOR at 63. The TOR also provided that technical capability would be evaluated as exceptional, good, acceptable, marginal, or unacceptable. *Id.* at 64-55.

| | BTAS | CREDENCE |
|----------------------|---------------|---------------|
| Technical Capability | Good | Good |
| Cost/Price | \$259,381,250 | \$221,811,016 |

AR, Exh. 2, Award Decision Memorandum (ADM) at 54.

The contracting officer noted that both offerors received multiple strengths under the technical capability factor. *Id.* at 55. For the task order management plan element, the contracting officer noted that BTAS received a weakness for its risk mitigation table; the agency did not find any weaknesses in Credence's technical approach. *Id.* Given the noted strengths and lower evaluated price of Credence's proposal, the agency found that Credence's proposal represented the best value and issued the task order to that firm for the total amount of \$221,811,016. *Id.* at 55-56, 58.

The agency notified BTAS on October 17, 2024, that its proposal had not been selected for award. Protest, exh. B, Notification of Award (Oct. 17, 2024) at 3. After requesting and receiving a debriefing, which was completed on October 31, BTAS filed this protest with our Office.³ Memorandum of Law (MOL) at 7.

DISCUSSION

The protester raises two primary arguments: (1) the agency's cost realism evaluation improperly failed to utilize the agency's independent government cost estimate (IGCE) and disregarded the solicitation's stated total evaluated price (TEP) range in the evaluation of proposals, and therefore, there was no competition on a common basis; and (2) the agency unreasonably failed to credit the protester's technical proposal with additional strengths. Protest at 15, 19-22. Based on our review of the record, we find that none of the protester's arguments merit sustaining the protest.⁴

In reviewing protests of awards in task order competitions, we do not reevaluate proposals or quotations but examine the record to determine whether the evaluations and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *DynCorp Int'l LLC*, B-411465, B-411465.2, Aug. 4, 2015, 2015 CPD ¶ 228 at 7. It is a fundamental

³ While the task order will be in support of a Department of Defense organization, the OASIS multiple award IDIQ contracting vehicle was awarded by GSA. Since the value of the order to be issued here exceeds \$10 million, the protest is within our Office's jurisdiction. 41 U.S.C. § 4106(f); *Analytic Strategies LLC*; *Gemini Indus., Inc.*, B-413758.2, B-413758.3, Nov. 28, 2016, 2016 CPD ¶ 340 at 4-5.

⁴ The protester initially also challenged other aspects of the agency's cost realism analysis, but later withdrew these arguments. Comments & Supp. Protest at 2.

principle of federal procurement law that a contracting agency must treat all offerors or vendors equally and evaluate their proposals or quotations evenhandedly against the solicitation's requirements and evaluation criteria. *Sumaria Sys., Inc.; COLSA Corp.*, B-412961, B-412961.2, July 21, 2016, 2016 CPD ¶ 188 at 10. A protester's disagreement with the agency's judgment regarding the evaluation of proposals or quotations, without more, does not establish that the agency acted unreasonably. *Imagine One Tech. & Mgmt., Ltd.*, B-412860.4, B-412860.5, Dec. 9, 2016, 2016 CPD ¶ 360 at 4-5.

Cost Realism Evaluation

The protester argues that the agency's cost evaluation improperly failed to utilize the agency's independent government cost estimate (IGCE) and disregarded the solicitation's stated TEP range in the evaluation of proposals. Protest at 15. The protester contends that, as a result, the agency failed to evaluate proposals on a common basis. Supp. Comments at 2. For the reasons discussed below, we find no basis to sustain the protest.

As relevant here, under the cost/price factor, the solicitation provided that GSA would conduct "cost/price analysis to determine if the pricing is fair and reasonable (*i.e.*, whether the proposed pricing is too high to endanger affordability and mission success) and for cost realism (*i.e.*, whether the pricing is so low that it endangers meeting the solicitation/PWS [Performance Work Statement] requirements)." TOR at 66. The TOR explained that this analysis will include the "methods described in FAR Subpart 15.4, 'Contract Pricing,' and will encompass the pricing requirements noted in this solicitation Section 9.7, 'Volume IV: Factor III - Cost/Price Information.'"⁵ *Id.* In addition, the solicitation included the following estimated range for the total evaluated price:

It is estimated that the Total Evaluated Price (TEP) for this task order will be between \$275,000,000.00 and \$336,000,000.00. The TEP amount is the sum of the base and all option periods, and also includes pricing for the optional 6-month extension under FAR clause 52.217-8, "Option to Extend Services."

Id. at 66. As the agency further explained in the debriefing, "[t]he TEP range was provided to help the offerors gauge the magnitude of the requirement based upon the Government's best estimates at the time." Protest, exh. A, Debriefing, Answer 3.

In the protester's view, the TEP range was intended to provide offerors with a benchmark for cost/price proposals. In other words, the protester asserts, "a proposed cost/price above \$336 million or below \$275 million was at risk of rejection under [the

⁵ This required, for example, that offerors provide information regarding indirect rates (including information about historical rates and a breakout of overhead, fringe, and general and administrative expenses), direct rates, fees, and subcontractors. *Id.* at 56-59.

TOR] as unreasonably high, unrealistically low, or because the offeror failed to comprehend the complexity and risks of the work to be performed.” Comments & Supp. Protest at 4. The protester maintains that, because GSA failed to utilize the solicitation’s stated TEP range in the cost evaluation, the award decision was fatally flawed because there was no competition on a common basis and the agency failed to evaluate proposals evenhandedly against the solicitation requirements. Supp. Comments at 2.

GSA responds that although the TOR included an estimated TEP range, the solicitation did not require that the agency use the TEP range or the IGCE in its cost realism analysis. The agency asserts that its cost realism analysis reasonably complied with the solicitation requirements and was otherwise reasonable. COS at 4.

We find nothing unreasonable regarding the agency’s evaluation. As noted above, the TOR informed offerors that GSA estimated the TEP to be between \$275 million and \$336 million. TOR at 66. It did not require TEPs to be within that estimated range to be considered realistic and reasonable. *Id.* An agency’s inclusion of an estimate in a solicitation does not constitute a requirement that offerors’ TEPs must exceed that estimate to be considered realistic. *See, e.g., Rollout Sys., LLC*, B-414145, Feb. 24, 2017, 2017 CPD ¶ 104 at 7-8 (“Although the protester argues that the Navy unreasonably failed to compare RMC’s proposed costs to the significantly higher government estimate for the work, we have found reasonable an agency’s cost realism evaluation of the awardee’s proposed costs, where the agency did not compare the awardee’s costs to the government’s estimate; rather, an agency is permitted to employ various types of analyses in determining an offeror’s realistic cost to perform.”). Furthermore, where estimates are provided in a solicitation, there is no requirement that they be absolutely correct; rather the estimates must be based on the best information available and present a reasonably accurate representation of the agency’s anticipated needs. *AeroSage, LLC*, B-416381, Aug. 23, 2018, 2018 CPD ¶ 288 at 11. Accordingly, to the extent the agency found that TEPs below the TEP range were realistic, the agency’s evaluation did not contradict the terms of the TOR.⁶

In addition, while BTAS also argues that it was unreasonable for the agency to discard the TEP range and the IGCE prepared for this competition, the record shows that the agency found that the IGCE was too high.⁷ AR, Exh. 2, ADM at 44. In this regard, in conducting the cost realism analysis, the agency explained that “[a]ll offers received were under the IGCE between the ranges of 14 [percent] and 32 [percent].” *Id.* The agency noted that the “IGCE is generally found to be higher in value than proposed offers as its calculations do not assume or account for pricing discounts resulting from competition.” *Id.* In addition, the agency explained that the IGCE was established using

⁶ We also note that the record reflects that the protester’s TEP of \$259,381,250 was also below the bottom of the TEP range. AR, Exh. 2, ADM at 54.

⁷ GSA’s IGCE was \$327,665,479.46, within the estimated TEP range stated in the TOR. AR, Exh. 2, ADM at 43.

SSC's pricing information from various prior contracts that collectively constitute the scope of work for this task order. *Id.* at 43. As a result, the agency concluded that the more appropriate consideration should be a comparison of the rates obtained through the instant competition to one another and to those from the Bureau of Labor Statistics (BLS) Occupational Employment and Wage Statistics (OEWS). COS at 4-5, 7-8; FAR 15.404-1(c)(2)(i)(B) (permitting use of "current and historical cost or pricing data"); *Apogee Eng'g, LLC*, B-419108, B-419108.2, Dec. 16, 2020, 2020 CPD ¶ 403 at 5, 9 (agency reasonably used "the Bureau of Labor Statistics' most current occupational employment and labor estimates" for comparison). Accordingly, we are unpersuaded by the protester's arguments that the agency improperly dismissed or disregarded the TEP range or IGCE in its evaluation.

Ultimately, the record reflects that GSA analyzed each offeror's cost proposal, including direct costs, escalation rate, indirect costs, and the technical evaluation board analysis of the work to be performed. AR, Exh. 2, ADM at 44-49; COS at 4. This included direct labor rates, uncompensated overtime, shift differential, overtime premiums, labor escalation rates, fee evaluation, overhead, and general and administrative costs, as well as corresponding most probable cost adjustments.⁸ AR, Exh. 2, ADM at 44-49; COS at 4-9. Although the protester asserts that the agency improperly failed to consider the TEP range or IGCE in its cost realism analysis, as referenced above, an agency's cost realism analysis need not achieve scientific certainty; rather, the methodology employed must be reasonably adequate and provide some measure of confidence that the rates proposed are reasonable and realistic in view of other cost information reasonably available to the agency as of the time of its evaluation. *ATA Aerospace, LLC*, B-417427.2, Mar. 6, 2020, 2020 CPD ¶ 96 at 5. We find nothing unreasonable regarding the agency's evaluation here and the protester's disagreement with the evaluation, without more, is insufficient to demonstrate that the evaluation was unreasonable. The protest ground is denied.

⁸ Ultimately, the protester does not challenge any aspect of the agency's cost realism evaluation other than discussed herein. As noted previously, although the protester initially also challenged other aspects of the agency's cost realism analysis, it later withdrew these arguments. Comments & Supp. Protest at 2. In addition, the protester also argues for the first time in its supplemental protest that by failing to utilize the solicitation's stated TEP range in the evaluation of proposals, the agency impermissibly "changed the evaluation scheme after receipt of proposals." *Id.* at 6. To the extent this allegation is distinct from the arguments in the initial protest, it is untimely and will not be considered because the basis for the argument--that the TEP range was not considered in the agency's cost/price evaluation--was known or should have been known based on information provided in the notification of award letter provided to BTAS on October 17, 2024, but the protester failed to file its protest within 10 days of that date. Protest, exh. B, Notification of Award (Oct. 17, 2024); 4 C.F.R. § 21.2(a)(2) (protests based on other than alleged improprieties in a solicitation must be filed not later than 10 days after the protester knew or should have known of the basis for its protest, whichever is earlier.).

Technical Evaluation

BTAS contends that the agency failed to explain why the evaluation findings of the corrective action evaluation differed from the findings in the original evaluation. Protest at 19-22. Specifically, BTAS argues that its technical proposal warranted additional strengths, including a significant strength, because the agency initially assigned it multiple strengths in the first iteration of the procurement. *Id.* In the protester's view, if the additional strengths were assessed, its proposal would have been rated as exceptional, rather than good. *Id.* As discussed below, we find no merit to this argument.

Our Office has stated that the fact a reevaluation of proposals varies from the original evaluation does not constitute evidence that the reevaluation was unreasonable. *FreeAlliance.com, LLC*, B-420000.3 *et al.*, June 28, 2022, 2022 CPD ¶ 165 at 5-6. We have recognized that it is not unusual for different evaluators, or groups of evaluators, to reach different conclusions and assign different scores or ratings when evaluating proposals, as both objective and subjective judgments are involved. *MILVETS Sys. Tech., Inc.*, B-409051.7, B-409051.9, Jan. 29, 2016, 2016 CPD ¶ 53 at 7. Absent a factual or legal basis indicating why a reevaluation was improper, an agency is generally not required to explain differing evaluation results. *Id.* The overriding concern in our review of a reevaluation following corrective action is not whether the final evaluation is consistent with an earlier evaluation, but rather, whether it is reasonable and consistent with the solicitation. *HeiTech-PAE, LLC*, B-420049.9, B-420049.10, June 8, 2022, 2022 CPD ¶ 162 at 11-12.

The record reflects that, during the prior evaluation, the agency assessed nine strengths and three weaknesses to BTAS's proposal for the first element of the technical capability factor and six strengths and one weakness for the second element, resulting in an overall rating of good. Protest, exh. C, Notification of Award (May 20, 2024) at 4-10. In conducting the reevaluation during corrective action, the agency assessed seven strengths and one weakness to BTAS's proposal for the first element and one strength and no weaknesses for the second element, resulting in a rating of good. AR, Exh. 2, ADM at 17-22; Protest, exh. B, Notification of Award (Oct. 17, 2024) at 4-11. During the debriefing, in response to a question from BTAS regarding the difference in strengths, the agency explained that its evaluators did not find that the strengths in BTAS's proposal merited a rating of exceptional. Protest, exh. A, Debriefing at 1.

Although the protester maintains that BTAS's proposal unreasonably was not rated exceptional and that the agency has failed to explain the difference in ratings between the initial evaluation and reevaluation, as noted above, agencies are permitted to change their evaluations after taking corrective action and they are not required to make the same assessment. In this regard, as previously stated, during the debriefing, the agency explained that its evaluation did not find the type of strengths to merit an exceptional rating. Protest, exh. A, Debriefing at 1. While the record shows that the agency did not assess as many strengths to BTAS's proposal during the reevaluation, it also demonstrates that the agency removed several weaknesses assessed to BTAS's

proposal during the reevaluation. *Compare* Protest, exh. C, Notification of Award (May 20, 2024) at 4-10, *with* AR, Exh. 2, ADM at 17-22, *and* Protest, exh. B, Notification of Award (Oct. 17, 2024) at 4-11. For the aspects of its proposal for which it asserts it should have received strengths during the reevaluation, the protester makes only general assertions that its proposal deserved additional strengths. Protest at 19-22. The protester does not point to any specific language in its proposal or otherwise demonstrate how its proposal exceeded the TOR's requirements such that it merited strengths for those aspects of its proposal. Other than pointing to the fact that the reevaluation differed from the initial evaluation, the protester has failed to demonstrate or even assert how the agency's reevaluation of its technical proposal was improper or unreasonable. The protester's disagreement, without more, is insufficient to establish that the agency acted unreasonably.

The protest is denied.

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