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Decision

Matter of: Environet Inc.

File: B-423470.2

Date: September 5, 2025

Jonathan A. DeMella, Esq., Davis Wright Tremaine LLP, for the protester.
Katherine Arutunian, Esq., Department of Navy, for the agency.
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DIGEST

1. Protest challenging solicitation experience criteria for key personnel as unduly restrictive of competition is denied where the criteria are reasonably related to the agency's needs.
2. Protest that the agency did not provide a reasonable amount of time to submit proposals after solicitation amendment is denied where the allotted time is reasonable.

DECISION

Environet, Inc., a veteran-owned, historically underutilized business zone small business concern of Honolulu, Hawaii challenges the terms of request for proposals (RFP) No. N3943025R2001 issued by the Department of the Navy, Naval Facilities Engineering Command, for the award of multiple indefinite-delivery, indefinite-quantity (IDIQ) global petroleum, oil, and lubricant fuel systems contracts. The protester argues that the RFP's key personnel experience requirements are unduly restrictive of competition and that the agency did not provide offerors with a reasonable amount of time to respond to a solicitation amendment.

We deny the protest.

BACKGROUND

The Navy issued the solicitation on March 3, 2025, contemplating the award of multiple IDIQ construction contracts (MACC) in accordance with the source selection procedures

of Federal Acquisition Regulation part 15. Agency Report (AR), Exh. 1, RFP at 1, 14.¹ The agency anticipates award of “no more than ten contracts” with approximately half to be awarded to small businesses. *Id.* at 1. The Navy will issue individual task orders for projects valued between \$500,000 to \$25,000,000 during a base ordering period of 60 months. *Id.* at 1. Tasks include construction and engineering services to perform inspection, repair and renovation construction services for petroleum, oil and lubricant (POL) fuel systems at various “locations worldwide.” See *id.* at 1, 39 (emphasis omitted).

The solicitation establishes that award will be made on a best-value tradeoff basis, based on seven factors: (1) management approach; (2) experience; (3) past performance; (4) technical solution; (5) safety; (6) small business utilization and participation; and (7) price.² *Id.* at 24. The technical factors and past performance factors, when combined, are approximately equal to price. *Id.* The agency intends to first “evaluate small business proposals and select approximately five (5) offerors for award or retention in the competitive range” before it evaluates the unrestricted proposals, *i.e.*, the proposals from other than small businesses. *Id.*

Under the management approach factor, the solicitation requires certain key personnel positions. As relevant here, the program manager (PGM) responsibilities are as follows:

The Program Manager (PGM) is the offeror’s representative who will have full program oversight for the entire contract. The PGM is not expected to be involved in the day-to-day execution of each task order, but will be requested in the event that problems cannot be resolved via other core positions. The PGM shall be responsible for the content of all proposals and compliance with the requirements of the basic contract as well as quality assurance for all task orders. The PGM shall demonstrate capacity to organize, plan, direct, supervise and control all technical and management programs, which include multidisciplinary tasks and requirements, and perform fiscal and administrative functions. The PGM shall be a full[-]time employee of the prime contractor.

Id. at 37. The other key personnel position relevant here, is the project manager (PM), whose responsibilities entail:

status reporting, financial tracking, scheduling and all project correspondence and documentation. The PM shall demonstrate the ability

¹ Unless otherwise noted, citations to the record reference Adobe PDF document page numbers.

² The technical solution factor included two subfactors, technical approach and schedule. RFP at 24.

to collect and organize project documentation and correspondence. The project manager is expected to be the Government's primary Point of Contact for the task order assigned to them. The PM shall be an employee of the prime contractor.

Id.

The initial RFP also included minimum experience criteria for the PGM and PM positions. As relevant here, the PGM was required to have a minimum of 10 years of experience within the last 12 years in POL facilities and engineering and 5 years of experience managing engineering design, inspection, testing, operation, and construction of POL facilities. *Id.* Similarly, the PM was required to have a minimum of 10 years of experience within the last 12 years in the POL facility industry, and five years of experience managing POL construction projects. *Id.*

On April 18, Environet filed its first protest with our Office, asserting that the experience requirements for key personnel were unduly restrictive and not rationally related to the agency's needs. First Environet Protest at 5-7. Environet argued that the minimum years of experience requirements for the PGM and PM identified above created a "significant restriction on the ability of small businesses to compete" and prevented Environet from submitting a proposal. *Id.* at 6. In response to Environet's protest, the Navy advised our Office on May 7 that it was taking corrective action. The agency represented that it would amend the "key personnel experience requirements" and permit offerors to submit new or amended proposals. Agency Notice of Corrective Action. Thereafter, based on the agency's proposed corrective action, we dismissed Environet's protest as academic on May 13. *Environet, LLC*, B-423470, May 13, 2025 (unpublished decision).

On May 16, the agency issued RFP amendment 0005 to revise the key personnel experience requirements for the PGM and PM roles. AR, Exh. 6, RFP amend. 0005 at 1,17. The agency also extended the due date for proposal submission for an additional 14 days to May 30. *Id.* at 1. Specifically, the amended key personnel criteria for the PGM state, "[t]en (10) years experience in POL facilities, engineering, including five (5) years experience in the management of engineering design, inspection, testing, operation, and construction of POL facilities is preferred (desired)." *Id.* at 17. Furthermore, for the position of PM, the solicitation provides, "[t]en (10) years experience in the POL Facility industry and five (5) years experience in managing POL construction projects or for a Program Manager who has earned a bachelors of science degree (technical) with three (3) years experience managing POL construction projects (desired)." *Id.* Thus, the agency revised the minimum years of experience criteria from being mandatory to desired.³ The agency also amended the basis of evaluation, so that

³ The protester did not challenge the remaining criteria under the PGM and PM positions.

offerors may be “rated higher if they meet or exceed desired years of experience.” *Id.* at 5.

On May 29, Environet filed this protest.

DISCUSSION

Environet asserts that the years of experience criteria for the PGM and PM positions are “unduly restrictive,” and that the RFP amendment, following the agency’s corrective action, does not provide a reasonable timeframe for proposal submission. Protest at 6-7. For the reasons discussed below, we find no basis to sustain the protest.⁴

Unduly Restrictive Experience Criteria

Environet argues that the key personnel criteria under the management approach factor are unduly restrictive of competition. See Protest at 6-9. Specifically, the protester argues that the solicitation includes years of experience criteria for the PGM and PM that are not rationally tied to the contemplated work required under task orders set-aside for small businesses. *Id.* at 7-8. Environet explains that it is illogical to apply uniform years of experience criteria for task orders that could vary in size, value and complexity, *e.g.* orders valued from \$500,000 to \$25,000,000. *Id.* at 8; see Comments at 3. The protester alleges that although the agency revised the experience criteria from mandatory to “desired,” the solicitation still ensures that the entities that “meet the original [s]olicitation requirements are rewarded under the amended language.” Comments at 6.

In response, the Navy maintains that the desired key personnel criteria is reasonable and rationally related to its needs. See Contracting Officer’s Statement and Memorandum of Law (COS/MOL) at 5, 7. In this regard, the agency explains that the desired years of experience for each of these positions is “necessary for the complexity of the scope, and the global footprint supported by the awarded contract, and subsequent task orders. The desired experience is reasonable in light of the highly technical nature of the work.” *Id.* at 5.

As relevant here, in its analysis explaining the amended key personnel requirements, the agency states, in part:

[w]hile task orders expected to award to small business may be a lower overall cost, the work requires the same level of technical competence. The award protest incorrectly assert[s] that the size of a task order is related or proportional to its complexity. This agency has observed from experience with three previous

⁴ The protester raises other collateral arguments, and although our decision does not specifically address every argument presented, we have considered each argument and find that none provide a basis on which to sustain the protest.

POL IDIQs, that bonding requirements, task order dollar value, and complexity are unrelated across the scope of the contract. Further, we have found the amount of experience in key personnel is an indicator of company success in executing POL specialty work. The experience requirements are neither capricious [n]or arbitrary but are founded in direct observed contract execution. To successfully perform the intended set-aside portion of this contract there is no commensurate reduction in capability from the open solicitation portion.

* * * * *

Fuel handling and storage facilities have an elevated level of risk compared to other mechanical utility systems, and the experience of key personnel demonstrates an offeror's ability to identify, mitigate, and manage fuel project risks. Key personnel experience is relied upon to ensure worker safety and environmental protection. The years of experience desired of the Program Manager and Project Manager demonstrate their understanding of POL facilities, including relevant laws, codes, standards, and best practices ensuring compliance and reducing risk.

AR, Exh. 12, Technical Analysis, June 12, 2025, at 2.

Where a protester challenges the requirements of a solicitation as unduly restrictive of competition, the procuring agency has the responsibility to establish that the requirements are necessary. *International Global Solutions, LLC; Definitive InfoTech Services and Solutions, LLC*, B-419956.20, B-419956.22, Nov. 18, 2021, 2021 CPD ¶ 363 at 4; see, e.g., *Louis Berger Services, Inc.*, B-410024, Oct. 10, 2014, 2014 CPD ¶ 303 at 3-5. We examine the adequacy of an agency's justification for a solicitation provision challenged as unduly restrictive to ensure that it is rational and can withstand logical scrutiny. *International Global Solutions, LLC; supra*. The determination of a contracting agency's needs, including the selection of evaluation criteria, is primarily within the agency's discretion and we will not object to the use of particular evaluation criteria so long as they reasonably relate to the agency's needs in choosing a contractor that will best serve the government's interests. *Id.*; *SML Innovations*, B-402667.2, Oct. 28, 2010, 2010 CPD ¶ 254 at 2.

A protester's disagreement with the agency's judgment concerning the agency's needs and how to accommodate them, without more, does not establish that the agency's judgment is unreasonable. *Protein Sciences Corp.*, B-412794, June 2, 2016, 2016 CPD ¶ 158 at 2. While a requirement might place a firm at a competitive disadvantage, the fact that a requirement may be burdensome or even impossible for a particular firm to meet generally does not make it objectionable if the requirement properly reflects the agency's needs. *Security Logistics Intelligence Constr. Eng'g Co.*, B-422390, May 28, 2024, 2024 CPD ¶ 124 at 3.

Here, as noted above, the agency explains that the desired key personnel experience requires the "same level of technical competence" for task orders irrespective of

whether the order is set aside for small businesses or is competed on an unrestricted basis, and that “the amount of experience in key personnel is an indicator of company success in executing POL specialty work.” AR, Exh. 12, Technical Analysis, June 12, 2025, at 2. Furthermore, the agency explains that the elevated level of risk involved in fuel handling and storage facilities requires more experienced key personnel as this experience “demonstrates an offeror’s ability to identify, mitigate, and manage fuel project risks.” *Id.* Moreover, as the RFP states, the program manager and project manager have significant oversight responsibilities. In this regard, the program manager represents the offeror, with full program oversight for the entire contract to include responsibility for resolving problems, and for the “content of all proposals and compliance with the requirements of the basic contract.” RFP at 37. Similarly, the project manager is responsible for, in relevant part, scheduling, project correspondence and documentation, and is considered the agency’s primary point of contact at the task order level. *Id.*

On this record, we find the agency has established that the years of experience criteria are reasonably necessary to meet the agency’s need to ensure technical competence and oversight required under the program manager and project manager roles at the task order level.⁵ Moreover, because the experience criteria is no longer mandatory, the protester is not prevented from submitting a proposal if it cannot find a PGM or PM who do not have the desired years of experience. While the protester complains that offerors meeting the desired experience requirements will be “rewarded,” Environet is not in fact prohibited from competing under a best-value tradeoff evaluation scheme, especially where there are multiple other technical factors that will be considered in making award. See RFP at 13, 25. In short, neither Environet’s disagreement with the agency’s needs, nor its inability to meet the desired experience criteria, renders the agency’s requirements unduly restrictive of competition or unreasonable. See, e.g., *Security Logistics Intelligence Constr. Eng’g Co.*, *supra* at 3. Consequently, we have no basis to sustain this protest ground.

Proposal Response Time

Environet alleges that the solicitation amendment fails to provide adequate time for small business concerns to submit proposals. Protest at 9; Comments at 7. In this regard, the protester explains that the “complexity of the [s]olicitation requirements, particularly the necessary technical proposal for the seed [initial] task order required under the [s]olicitation, requires considerable time and effort that will take more than [14] days to prepare.” Protest at 9. In support of its request for a 45-day response time,

⁵ While the agency will conduct market research at the task order level to determine whether a task order will be set aside for the small business reserve pool, small businesses are not precluded from competing for task orders competed on an unrestricted basis. See RFP at 3. As a result, the current solicitation requirements for these key personnel are rationally related to the agency’s needs where key personnel individuals could potentially oversee both set-aside and unrestricted task orders.

the protester contends that the original solicitation provided 45 days for proposal response for the “same amount of information.” *Id.*

In response, the agency maintains that amendment 0005 did not impose new requirements, rather, the agency relaxed requirements under the solicitation amendment. COS/MOL at 10. Furthermore, the agency contends that offerors have had sufficient time to prepare proposals, as the solicitation has already been amended several times and the proposal due date extended “numerous times” since the solicitation was issued on March 3. *See id.*

The determination of what constitutes a sufficient amount of time for proposal preparation is a matter committed to the discretion of the contracting officer; we will not object to that determination unless it is shown to be unreasonable. *Coulson Aviation (USA), Inc.*, B-411306 *et al.*, July 8, 2015, 2015 CPD ¶ 214 at 11; *Financial Asset Mgmt. Sys., Inc.*, B-409722.9, Apr. 24, 2015, 2015 CPD ¶ 145 at 6.

On this record, we find no merit with the protester’s arguments. As noted, the solicitation was issued in March, affording interested offerors more than four months to prepare proposals before the deadline set by the most recent amendment. The protester points to the technical proposal for the seed task order as requiring “considerable time and effort” to prepare but the most recent amendment made no changes to this part of the solicitation, therefore the protester has had ample time to develop its technical proposal. *See* Protest at 9. Indeed, the protester concedes that the original solicitation allowed 45 days to respond for the “same amount of information.” *Id.* Moreover, as the agency notes, the amendment relaxed the experience criteria, and the protester has not explained why it needs more time to meet these relaxed criteria. Because Environet fails to identify or explain how changes under the amended solicitation criteria impact its ability to develop its technical proposal in the allotted time, we have no basis to find the agency’s selected timeframe for proposal submission to be unreasonable. *See Coulson Aviation (USA), Inc., supra.* As a result, we deny this argument.

The protest is denied.

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General Counsel