Decision

Matter of: SOFIS-TRG, LLC

File: B-423667

Date: September 16, 2025

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DIGEST

1. Protest that the agency improperly equalized the past performance confidence assessment ratings of the proposals of the protester and awardee is denied where the evaluation was reasonable and consistent with procurement law and regulation.

2. Allegation that the agency conducted a flawed best-value tradeoff analysis is denied where, after the source selection authority considered proposal differences under the past performance factor, he determined that neither proposal was superior under the factor and that payment of a price premium for the protester's higher priced proposal was therefore not in the agency's best interest.

DECISION

SOFIS-TRG, LLC, of Alexandria, Virginia, protests the award of a contract to MilTrain JV II, LLC, of North Las Vegas, Nevada, under request for proposals (RFP) No. FA4890-23-R-0065, issued by the Department of the Air Force for training services for the MQ-9 remotely piloted aircraft. The protester asserts that the agency unreasonably assigned the proposals the same performance confidence assessment rating under the past performance factor and that the agency conducted a flawed best-value tradeoff analysis.

We deny the protest.

BACKGROUND

The solicitation, issued in accordance with Federal Acquisition Regulation part 12 and part 15, contemplated the award of a fixed-price contract with a 60-day phase in period, a 10-month base period, and four 1-year option periods. The solicitation provided for award to the offeror whose proposal represented the best value to the agency, considering three factors: technical (including facility security clearance), past performance, and price. Agency Report (AR), Tab 3, Conformed RFP at 46, 53. If an offeror did not possess the required facility clearance at the time of proposal submission, the proposal would be deemed ineligible for award and would not be further evaluated. *Id*. at 62. The technical factor was to be evaluated on an acceptable/ unacceptable basis, and only those proposals rated as acceptable for the factor would be evaluated under the past performance factor. Only those proposals evaluated as substantial confidence, satisfactory confidence, or neutral confidence under the past performance factor would be evaluated under price. *Id.* at 63. The past performance factor was significantly more important than the technical factor and price. *Id*. at 61.

At issue in this protest is the agency's evaluation of proposals under the past performance factor. The RFP required offerors to submit a maximum of three past performance references. *Id*. at 57. The Air Force would evaluate the recency, relevancy, and quality of an offeror's past performance and assign an overall confidence assessment rating. *Id*. at 66. A past performance reference was recent if it was for a contract with a minimum of 6 months of performance during the 5 years preceding the date of issuance of the solicitation. *Id*. The agency would evaluate the relevancy of the offeror's recent past performance references, assigning each a rating of very relevant, relevant, somewhat relevant, or not relevant. *Id*. at 66-67. The Air Force would assess the quality of the offeror's performance of the references using contractor performance assessment report system reports or past performance questionnaires. *Id*. at 67. After evaluating all references for recency, relevancy, and quality, the Air Force would assign proposals a performance confidence assessment rating of substantial confidence, satisfactory confidence, neutral confidence, limited confidence, and no confidence. *Id*. at 67-68.

SOFIS-TRG and MilTrain were among the firms submitting offers. AR, Tab 17, Source Selection Document (SSD) at 3. The agency assigned the proposals of SOFIS-TRG and MilTrain identical adjectival ratings for the technical and past performance factors-- acceptable and substantial confidence, respectively. AR, Tab 15, Source Selection Evaluation Board (SSEB) Report at 62. The protester's proposed price of $86,045,416 was slightly higher than MilTrain's proposed price of $84,647,510. *Id.* The table below contains the scores for the two offerors' past performance references:

	SOFIS-TRG	MilTrain
Recency	Recent Recent Recent	Recent Recent Recent
Relevancy	Very Relevant Very Relevant Somewhat Relevant	Very Relevant Relevant Somewhat Relevant
Performance Quality	Satisfactory-Excellent	Satisfactory-Excellent
Confidence Assessment	Substantial	Substantial

AR, Tab 17, SSD at 3.

The source selection authority (SSA) noted that the agency evaluated the proposals of MilTrain and SOFIS-TRG as substantial confidence under the past performance factor, meaning the government has "a high expectation in the offeror's probability of successfully meeting the solicitation requirements based on the offeror's demonstrated Past Performance." *Id*. at 10. The SSA noted that, because the technical factor was evaluated on an acceptable or unacceptable basis, the trade-off was based on past performance and price. *Id*. at 11. Regarding the past performance of SOFIS-TRG and MilTrain, the SSA concluded:

> After looking behind the ratings of these two offerors and comparing each offeror's past performance record and considering the relative differences, the offerors' past performance records are comparable. Although SOFIS-TRG received an additional Very Relevant rating, that alone does not increase the confidence rating. The source selection decision is based on an integrated assessment of each offeror's performance record. Both offerors provided multiple efforts demonstrating managing [an Air Force] [remotely piloted aircraft] program at magnitudes exceeding the Very Relevant description and both records show a record of [ ] supplying services that meet the user's need. Both offerors provide a high expectation that each will successfully perform the required effort warranting an equal Substantial Confidence rating. As such, neither offeror is superior to the other in Factor two.

Id. at 14. The SSA's analysis of the offerors' past performance showed that, "[w]hile there is a difference in each offeror's individual relevancy ratings and quality of performance assessments, given each offeror's overall record of recency, relevancy, and quality of performance, there is no substantial difference among [the] highest rated [offerors'] past performance records that makes one offeror superior to the others in the past performance factor." *Id*. at 15. Because the SSA did not consider SOFIS-TRG's past performance superior to MilTrain's, the determinative factor was MilTrain's lower price, with the SSA concluding as follows:

> Because both offerors are equally rated in past performance and neither offeror is superior to the other concerning their past performance records,

I do not find that it is in the Government's best interest to pay an additional $1,397,906.00 to SOFIS-TRG to perform this contract.

AR, Tab 17, SSD at 16. The agency awarded the contract to MilTrain, *id*. at 17, and this protest followed.

DISCUSSION

SOFIS-TRG argues that the agency unreasonably evaluated proposals under the past performance factor and conducted a flawed best-value tradeoff analysis.[1] As discussed below, we find neither allegation to have merit.

Past Performance Evaluation

SOFIS-TRG argues that the Air Force "inappropriately equalized" the past performance confidence assessment ratings of SOFIS-TRG and MilTrain by awarding MilTrain the highest rating--substantial confidence--despite SOFIS-TRG having more relevant past performance. Comments at 4. The protester asserts that the Air Force "gives SOFIS-TRG one more Very Relevant than MilTrain but somehow characterizes their past performances to be 'comparable' by rating them both with Substantial Confidence." *Id*. at 5, *citing* AR, Tab 17, SSD at 14. In other words, SOFIS-TRG contends that, because it had one more very relevant contract than MilTrain, the agency erred in assigning MilTrain's proposal the same substantial confidence rating that the Air Force assigned SOFIS-TRG's proposal.

When a protester challenges an agency's evaluation of past performance, we will review the evaluation to determine if it was reasonable and consistent with the solicitation's evaluation criteria and with applicable procurement statutes and regulations. *Sabre Sys*., B-420090.3, June 1, 2022, 2022 CPD ¶ 137 at 11. An agency's evaluation of past performance, including its consideration of the relevance, scope, and significance of an offeror's performance history, is a matter of discretion that we will not disturb unless the agency's assessments are unreasonable or inconsistent with the solicitation criteria. *Id*. A protester's disagreement with the agency's judgment, without more, does not establish that an evaluation was unreasonable. *Id*.

SOFIS-TRG contends that the solicitation outlined objective requirements for the relevancy ratings and made clear that a rating of very relevant carried more weight than relevant. Comments at 5, *citing* RFP at 66-67. The protester claims that "[t]his is especially true where one offeror is rated Very Relevant more than another offeror." Comments at 5. SOFIS-TRG contends that the agency "disregarded its own framework and conclusions by rating SOFIS-TRG and MilTrain with Substantial Confidence in

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[1] SOFIS-TRG also alleged that the awardee was ineligible for award under the solicitation's facility clearance requirement. Protest at 9-12. The protester withdrew this allegation. Comments at 1 n.1.

contravention of the stated evaluation criteria" when "SOFIS-TRG's past performance *is* superior because it is *more* relevant than MilTrain's." *Id*. SOFIS-TRG also contends that our Office "will sustain a challenge to a past performance evaluation where the record demonstrates that the agency's methodology gave equal weight in the calculation of offerors' past performance ratings where the agency had evaluated the underlying past performance examples to have differing degrees of relevance." Comments at 5, *quoting Vertex Aerospace, LLC*, B-421835 *et al*., Nov. 1, 2023, 2023 CPD ¶ 249 at 8.

The protester's argument conflates the solicitation's evaluation criteria for the past performance factor with the best-value tradeoff process. *Sabre Sys*., *supra* at 13. Nothing in the solicitation indicated that the agency would compare offerors' past performance records to one another in assigning a performance confidence assessment rating under the past performance factor. *See* RFP at 66-68. Instead, the RFP provided that the agency would evaluate the recency, relevancy, and quality of each submitted past performance reference, focusing on whether the referenced work involved performance like the requirements in the performance work statement. *Id.*

Further, the protester's reliance on *Vertex Aerospace* is misplaced. In that decision, the agency catalogued the number of ratings to arrive at an overall confidence rating, without considering the relevance of the contracts. *Vertex Aerospace, LLC*, *supra* at 7-8. Here, the record establishes that, prior to assigning confidence assessment ratings, the Air Force considered the relevance of the offeror's past performance. The facts on which we sustained *Vertex Aerospace* are not present in this case.

The record here shows that the agency followed the stated evaluation criteria by assessing the awardee's past performance against the solicitation's past performance criteria. The record further shows that the agency reasonably assigned the awardee's proposal a rating of substantial confidence based on recent, relevant, and high-quality work. *See* AR, Tab 15, SSEB Report at 25-32. Accordingly, this allegation is denied.

Best-Value Determination

SOFIS-TRG asserts that a "source selection decision based on inconsistent or inaccurate information concerning the technical evaluation or the relative merits and contents of the offerors' technical proposals, is not reasonable." Comments at 8, *quoting Dynaxys LLC*, B-414459.4, Apr. 18, 2018, 2018 CPD ¶ 152 at 8 (additional citation omitted). The protester argues that the agency "is trying to downplay the gap between SOFIS-TRG and MilTrain's past performance, so they appear more equal to justify its best value determination." *Id.* Because SOFIS-TRG's proposal "outperforms" MilTrain's under the past performance factor, the protester argues that the "minimal price difference warrants a tradeoff." *Id.* The protester asserts that, because the "Agency deviates from the Solicitation's terms and nature of a best value evaluation," the "best value tradeoff is based on a flawed, underlying evaluation and is therefore unreasonable." *Id*.

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results, and their judgments are governed only by the test of rationality and consistency with the solicitation's evaluation criteria. *US&S-Pegasus JV, LLC,* B-421681.8, B-421681.9, Nov. 19, 2024, 2024 CPD ¶ 284 at 8. In reviewing an agency's source selection decision, we examine the supporting record to determine if it was reasonable and consistent with the solicitation's evaluation criteria and applicable statutes and regulations. *Id.*

Here, the record demonstrates that the source selection authority (SSA) considered the relative merits of the past performance proposals. The SSA recognized "there is a difference in each offeror's individual relevancy ratings." AR, Tab 17, SSD at 15. Nevertheless, given each offeror's overall record of recency, relevancy, and quality of performance, the SSA found that "there is no substantial difference among [the] highest rated offeror[s'] past performance records that makes one offeror superior to the others in the past performance factor." *Id.* Because he did not consider the protester's past performance record to be superior to MilTrain's, the SSA concluded that payment of a price premium to the protester was not warranted. *Id.* at 16. As we did not find a basis to object to the agency's past performance analysis upon which a portion of the protester's best-value argument is based, we see no basis on which to fault with the Air Force's best-value analysis. As such, we deny this allegation.

The protest is denied.[2]

Edda Emmanuelli Perez
General Counsel

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[2] For the first time in its comments on the agency report, SOFIS-TRG asserts that the agency "failed to provide sufficient documentation relating to its overall Factor 2 [past performance] evaluation." Comments at 5. The protester argues that, "[b]ecause the Agency cannot point to unredacted evidence to fully support its purportedly holistic past performance evaluation, the contemporaneous evaluation record is devoid of explaining how MilTrain's pending award is reasonable." *Id*. at 6. The protester timely alleged that the awardee lacked recent or relevant past performance, Protest at 14, allegations that SOFIS-TRG abandoned in its response to the agency report. *See* Comments at 4-6; *see also Avionic Instruments LLC*, B-418604.3, May 5, 2021, 2021 CPD ¶ 196 at 5 (noting that, where a protester fails to provide a substantive response to agency's defense of its conduct of the procurement, we dismiss those allegations as abandoned). The protester did not allege that the agency unreasonably evaluated the quality of the awardee's past performance. *See* Protest at 14. Because the protester did not assert that the agency unreasonably evaluated the quality of the awardee's past performance, documents related to the agency's evaluation of the quality of MilTrain's past performance were not relevant, and the agency was not required to document that portion of its evaluation. *See* 4 C.F.R. § 21.3(d) (noting that the agency report shall contain "all relevant documents").