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Decision

Matter of: Pivotal Point LLC

File: B-423072.2

Date: November 25, 2025

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DIGEST

1. Protest challenging the agency's evaluation of the protester's proposal, including allegations that the agency disparately evaluated the protester's and awardee's proposals, is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation and where the differences in ratings were based on differences in the proposals.

2. Protest that the agency applied unstated evaluation criteria in its evaluation of the protester's proposal is denied where the challenged evaluation findings were logically encompassed by the stated criteria.

DECISION

Pivotal Point, LLC, a service-disabled veteran-owned small business (SDVOSB) of Falls Church, Virginia, protests the award of a contract to 3Links Technologies, Inc., an SDVOSB of Silver Spring, Maryland, under request for proposals (RFP) No. 36C10F24R0002, issued by the Department of Veterans Affairs (VA) for telecommunications and data drops work. Pivotal contends that the agency unreasonably evaluated its proposal under two of the RFP's non-price factors.

We deny the protest.

BACKGROUND

The RFP, issued on June 3, 2024, as an SDVOSB set-aside, contemplated the award of a single firm-fixed-price contract with a base year and four option years for a broad

range of telecommunications and data drops work at properties located within Virginia, West Virginia, Maryland, and Washington, D.C. Agency Report (AR), Tab 4, RFP at 1. Award was to be made on a best-value tradeoff basis, considering the following evaluation factors: (1) company experience, (2) project management, (3) past performance, and (4) price. *Id.* at 43. The RFP advised that all non-price evaluation factors, when combined, were significantly more important than price. *Id.* The RFP also directed offerors to submit their proposals in two sections, technical and price, that would be “evaluated independently.” *Id.* at 46. The price proposal was to include the completed price schedule, while the technical proposal would contain all other information regarding the offerors’ “ability to perform [the] requirements outlined in the solicitation.” *Id.* at 46-48.

As relevant here, the company experience factor directed offerors to submit up to three contracts or task orders demonstrating “experience performing telecommunication services in a Government environment.” *Id.* at 43. The RFP required offerors to provide “detailed information” about their experience and advised that offerors’ experience “will be assessed on the basis of its breadth and depth of the contracts/task orders and will be evaluated for recency and relevancy.” *Id.* The solicitation defined relevancy as “similar in scope and size of this solicitation” and recency as “contracts/task orders 100 [percent] complete within the past 5 years as of the solicitation date or current contracts/task orders that are at least 75 [percent] complete as of the solicitation date.” *Id.*

Under the project management factor, the solicitation directed offerors to “include detailed information regarding how the offeror plans to coordinate and manage the potential for several orders/projects occurring at the same time.” *Id.* Offerors were to describe their approach to performing the project work; and the RFP required offerors to include resumes for the project managers, technicians, and other personnel anticipated to support the contract in the project management plan. *Id.* at 44.

Under the past performance factor, offerors would provide reference information and questionnaires completed by the point of contact for the contracts or task orders that the offeror submitted under the company experience factor. *Id.* The solicitation advised that the basis of evaluation would be the degree to which past performance reflected a “trend of satisfactory or better performance.” *Id.* The solicitation also advised that past performance information would be “rated on recency and relevancy,” as defined in the company experience section of the RFP, as well as confidence, considering the quality of the work performed and “confidence associated with the performance.” *Id.* at 45. The RFP reserved the right for the agency to obtain and consider past performance information from “any other sources,” not just those identified by the offeror. *Id.* at 44.

The agency received eleven proposals by the July 12, 2024, due date for receipt of initial proposals. Contracting Officer’s Statement (COS) at 2; see AR, Tab 5, RFP amend. 1 at 1. On September 26, 2024, the VA made award to Bravo Communications Services and notified the unsuccessful offerors, including 3Links and Pivotal. COS at 2. Two protests followed--a protest with the Small Business Administration (SBA)

challenging Bravo’s status as an SDVOSB, and a protest with our Office challenging various aspects of the agency’s evaluation. We dismissed the latter protest as academic due to the agency’s decision to take corrective action to reevaluate proposals. COS at 2; see *3Links Techs., Inc.*, B-423072, Nov. 1, 2024 (unpublished decision). Pursuant to its corrective action, the VA reevaluated the proposals and again made award to Bravo on December 30, 2024, while the size protest was still pending with the SBA. COS at 2-3. On March 5, 2025, the SBA issued a decision concluding that Bravo was other than small, and the VA terminated the contract with Bravo on April 2. *Id.* at 3. The agency then amended the RFP to request updated pricing from the offerors. *Id.*; AR, Tab 7, RFP amend. 3 at 1. The amended RFP did not request an update to technical proposals. AR, Tab 7, RFP amend. 3 at 1.

By May 21, four of the original eleven offerors--including 3Links and Pivotal--provided updated pricing, in accordance with the amended solicitation. COS at 3. On June 26, the agency’s evaluators updated the source selection documentation to include the evaluation of the four offerors’ updated pricing. The previously assigned technical proposal ratings from the December 30, 2024, reevaluation remained unchanged. COS at 3; see AR, Tab 15, Source Selection Decision (SSD) Reevaluation. The updated documentation included these previously assigned ratings. See AR, Tab 16, Final SSD. The agency evaluated 3Links’s and Pivotal’s proposals as follows:

	Company Experience	Project Management	Overall Rating	Past Performance	Price
Pivotal Point	Good	Good	Good	Substantial Confidence/Very Relevant	\$6,684,348
3Links	Outstanding	Outstanding	Outstanding	Satisfactory Confidence/Very Relevant	\$7,427,420

Id. at 9.

In evaluating the protester’s proposal, the agency assessed a strength under the company experience factor, as well as a strength and a weakness under the project management factor. AR, Tab 15, SSD Reevaluation at 26-27. Regarding the assessed weakness, the agency noted that the “[r]esumes provided show personnel established on other contracts, but stated retaining incumbents is priority.” *Id.* at 27. In evaluating the awardee’s proposal, the agency identified a strength under the company experience factor and a strength under the project management factor. *Id.* at 27-28. The source selection authority determined that 3Links’s proposal represented the best value to the agency, and on June 30, 2025, the agency made award to 3Links and notified the other three offerors. COS at 3. Pivotal received a debriefing on July 1 and then filed this protest on July 10.

DISCUSSION

The protester primarily challenges two aspects of the agency's evaluation. First, Pivotal argues that the agency unreasonably and disparately evaluated its proposal under the company experience factor. Protest at 8; Comments at 6. Second, Pivotal argues that the agency unreasonably evaluated its proposal under the project management factor and applied unstated evaluation criteria. Protest at 11; Comments at 11-12. After reviewing the record, we find no basis to sustain the protest.¹

Company Experience

The protester argues that the agency unreasonably evaluated its proposal under the company experience factor and asserts that the agency should have assigned a rating of outstanding to Pivotal's proposal. Protest at 8-10. The protester also points to the rating of substantial confidence/very relevant the agency rated the firm under the past performance factor, contending that this "highest possible rating" is inconsistent with a rating of good the agency assigned the firm under the company experience rating. Comments at 8. Because the company experience and past performance factors focus in part on relevancy, Pivotal argues that "the purposes of the evaluation of each factor were essentially [the] same" and the protester's proposal consequently should have received the highest possible rating--outstanding--under the company experience factor. *Id.* The protester also asserts that the agency disparately evaluated proposals because 3Links's proposal had no weaknesses under the company experience factor and received an outstanding rating, while Pivotal's proposal had no weaknesses and received a rating of good. *Id.* at 7. Relatedly, Pivotal contends that "a proposal that has no weaknesses of any kind should also receive an outstanding rating." *Id.*

The agency responds that its evaluation of the protester's company experience was reasonable. The VA argues that a proposal without any weaknesses under the company experience factor does not automatically merit a rating of outstanding and points to the agency's definition of an outstanding proposal as one that "meets requirements and indicates an exceptional approach and understanding of the requirements" and "contains many strengths which far outweigh any weaknesses." Supp. Memorandum of Law (MOL) at 7 (quoting AR, Tab 13, Source Selection Evaluation Scoresheet at 3). The agency also asserts that the difference in ratings between 3Links's proposal and Pivotal's proposal "is an example of different proposals receiving different ratings based on different facts," not disparate treatment. Supp. MOL at 7.

¹ In its various protest submissions, Pivotal has raised arguments that are variations of those specifically discussed below. While we do not specifically address all of the protester's arguments, we have considered them and conclude that they do not provide a basis to sustain the protest.

The VA points to its evaluators' documentation that 3Links "specializes in Voice, Video Teleconferencing (VTC), and fiber backbone installations," and that the awardee's proposal "stands out as the most detailed and all-encompassing of submissions." AR, Tab 15, SSD Reevaluation at 6. In other words, the agency asserts that the very detailed nature of 3Links's proposal is an example of how that proposal is different from Pivotal's and why 3Links merited a rating of outstanding under the company experience factor.

When an evaluation is challenged, our Office will not reevaluate proposals but instead will examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations. *Alion Sci. & Tech. Corp.*, B-422664, Sept. 10, 2024, 2024 CPD ¶ 216 at 5. A protester's disagreement with the agency's judgment, without more, is not sufficient to establish that an agency acted unreasonably. *Seventh Dimension, LLC*, B-415311.4, Nov. 29, 2018, 2018 CPD ¶ 412 at 5. Further, in order to prevail on an allegation of disparate treatment, a protester must show that the agency unreasonably evaluated the protester's proposal in a different manner than another proposal that was substantively indistinguishable or nearly identical. *SOS Int'l, LLC*, B-422323, Apr. 24, 2024, 2024 CPD ¶ 110 at 7. Stated differently, to demonstrate unequal treatment, a protester must show that the differences in the evaluation did not stem from differences between the proposals. See *IndraSoft, Inc.*, B-414026, B-414026.2, Jan. 23, 2017, 2017 CPD ¶ 30 at 10.

On this record, we find that the agency reasonably evaluated Pivotal's proposal under the company experience factor. We first note that, despite the shared relevancy definition, the record does not support the protester's assertion that the past performance factor and the company experience factor share "essentially [the] same" purpose. Comments at 8. The solicitation advised that an offeror's company experience would be "assessed on the basis of its breadth and depth of the contracts/task orders and will be evaluated for recency and relevancy," while past performance would be evaluated based on "the degree to which past performance evaluations and all other past performance information reviewed by the Government reflect a trend of satisfactory or better performance" considering a variety of factors, like successful and timely task completion, relevancy, and the similarity of past performance to the tasks described in the solicitation. RFP at 43-44. In other words, the plain language of the solicitation makes clear that these two factors evaluated different aspects of the offeror's submitted experience and would be rated separately.

We agree with the agency that Pivotal's proposal did not automatically merit a rating of outstanding because it had no identified weaknesses. The solicitation did not define the rating of "outstanding" as a proposal that has no weaknesses; rather, it is defined as a proposal that "meets requirements and indicates an exceptional approach and understanding of the requirements" and "contains many strengths which far outweigh any weaknesses." AR, Tab 13, Source Selection Evaluation Scoresheet at 3. Consequently, we do not find reasonable the protester's argument that "a proposal that has no weaknesses of any kind should also receive an outstanding rating." Comments

at 7. In this regard, the protester's disagreement with the agency's definition of a rating of outstanding does not establish that the agency's decision to assign a rating of good to Pivotal's proposal under the company experience factor was unreasonable.

Further, we find that the agency did not engage in disparate treatment. The record shows that the protester's and awardee's proposals were different and consequently received different ratings. For example, the agency's evaluators documented 3Links's strength for its specialization in "Voice, Video Teleconferencing (VTC), and fiber backbone installations." AR, Tab 15, SSD Reevaluation at 6. The agency also documented its conclusion that the awardee's proposal "stands out as the most detailed and all-encompassing of all submissions." *Id.* On the other hand, the protester's strength was based on its prior performance as a contractor with the VA's Office of Information and Technology and its knowledge of VA standards and requirements. *Id.*

We agree with the agency that the two proposals received "different ratings based on different facts"; the agency's contemporaneous documentation demonstrates that the two proposals were different. Supp. MOL at 7; see AR, Tab 15, SSD Reevaluation at 6. Pivotal's assertion that the two proposals are identical because the VA did not identify weaknesses in either proposal under the company experience factor is incorrect and reflects a misunderstanding of what a protester must show in order to prevail on an allegation of disparate treatment. To prevail on an allegation of disparate treatment, Pivotal must show that its proposal is "substantively indistinguishable" from 3Links, not that both proposals were free of weaknesses under the factor at issue.² See *SOS Int'l, LLC, supra*. Pivotal has failed to do so. In sum, the protester has failed to show that the agency's evaluation was unreasonable or that 3Links's and Pivotal's proposals, under the company experience factor, are substantively indistinguishable. This protest ground is denied.

Project Management

The protester argues that it should have received a rating of outstanding under the project management factor and challenges the weakness identified in its proposal under this factor. Protest at 11. Specifically, the protester argues that the agency utilized unstated evaluation criteria in identifying a weakness for submitting resumes that "show[ed] personnel established on other contracts" AR, Tab 15, SSD Reevaluation at 27. Pivotal argues that an individual's establishment on other projects at the time of resume preparation "has nothing to do with his/her availability to work on

² For the first time in its supplemental comments, Pivotal raises additional examples of its alleged superiority under the experience factor. See Supp. Comments at 6. We will not address these arguments because our Bid Protest Regulations do not contemplate the piecemeal presentation or development of protest issues through later submissions providing alternate or more specific legal arguments missing from earlier general allegations of impropriety. *Salient Fed. Sols., Inc.*, B-410174.3, B-410174.4, Apr. 1, 2016, 2016 CPD ¶ 104 at 9. Accordingly, these protest grounds are dismissed.

the contract.” Comments at 12. In sum, Pivotal argues that the identified weakness is based on unstated evaluation criteria because the solicitation does not state, under the project management factor, that it will consider whether proposed personnel are established on other contracts.

The agency responds that it was “concerned about how offerors would be managing multiple orders and projects at the same time,” noting both that the protester “did not include detail about how personnel would coordinate and manage the potential of multiple orders and projects” and that the protester provided “no explanation” for why its proposal showed all but two proposed key personnel were installed on different projects. Supp. MOL at 9-10. With respect to the unstated criterion allegation, the VA contends that the resumes of personnel were related to the project management evaluation criteria, which required offerors to “include detailed information regarding how the offeror plans to coordinate and manage the potential for several orders/projects occurring at the same time as required.” Supp. MOL at 9 (quoting RFP at 43). In sum, the agency argues that it was the protester’s responsibility to provide detailed information explaining how Pivotal would satisfy the project management requirements, including the ability to manage multiple orders and projects, and it failed to do so. Supp. MOL at 9-10.

As noted above, our Office will not reevaluate proposals but will instead examine the record to determine whether the agency’s judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. See *Alion Sci. & Tech. Corp.*, *supra*. Moreover, although agencies are required to identify in a solicitation all major evaluation factors, they are not required to specifically identify each and every element an agency considers during an evaluation. *UDC USA, Inc.*, B-419671, June 21, 2021, 2021 CPD ¶ 242 at 5. Rather, as a general matter, an agency properly may take into account specific, albeit not expressly identified, matters that are logically encompassed by or related to the stated evaluation criteria. *Id.*

Here, we find no basis to question the agency’s evaluation of Pivotal’s proposal, including its assessment of a weakness under the project management factor. The solicitation explicitly required offerors to include “detailed information regarding how the offeror plans to coordinate and manage the potential for several orders/projects occurring at the same time as required.” RFP at 43. The solicitation also directed offerors to submit resumes as part of their project management plan and advised that the agency would evaluate their proposed approach to determine “the offeror’s ability to successfully meet the requirements of the RFP.” *Id.* at 44. In other words, the plain language of the solicitation clearly advised offerors that the project management plan section of their proposals—including resumes of personnel—would be evaluated based on the plan’s level of detail and the offeror’s demonstrated ability to manage several projects occurring at the same time. See *id.* at 43-44.

We conclude that the agency reasonably determined Pivotal’s proposal did not provide a sufficient level of detail in explaining how Pivotal would satisfy the solicitation’s requirements under the project management factor. The agency’s concern was that

Pivotal did not provide sufficient detail to confirm the availability of its personnel, particularly related to the firm's ability to balance multiple orders and projects. Supp. MOL at 10. Indeed, the record shows that Pivotal provided resumes showing that the majority of personnel were involved in different projects, with no further explanation. AR, Tab 11, Pivotal Proposal at 26-38. Pivotal has not established that the agency's concern was invalid based on the terms of the solicitation, which required offerors to provide detailed information on how they would manage the potential for several orders/projects occurring at the same time. RFP at 43. On this record, we find that the weakness the agency identified in Pivotal's proposal, concerning its insufficient level of detail regarding personnel, is reasonably encompassed by the project management evaluation criteria.³ Pivotal has failed to show that the agency's assessment of this weakness is unreasonable. This ground is denied.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

³ The protester also argued that its commitment to recruiting and hiring incumbent personnel should have "precluded any finding of a weakness." Comments at 13. More specifically, Pivotal asserted that the resumes it submitted for the non-incumbent personnel created "a solemn commitment to the Agency to make these individuals available to the Agency to the extent incumbents did not fill the positions." *Id.* However, the record shows that the agency did consider Pivotal's commitment to prioritizing incumbent hires when it identified a weakness under the project management factor. AR, Tab 15, SSD Reevaluation at 27. To the extent Pivotal is arguing that its commitment to hiring incumbents should have nullified any potential weakness concerning its proposed non-incumbent personnel and their resumes, we conclude that the protester's disagreement does not show that the agency's judgment was unreasonable. See *Seventh Dimension, LLC, supra*.