



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: KnightsBridge Systems LLC

File: B-423882; B-423882.2

Date: January 2, 2026

Naresh Bajaj for the protester.

Katherine A. Bartell, Esq., and Claire Dean, Esq., Smithsonian Institution, for the agency.

Nathaniel S. Canfield, Esq., and Evan D. Wesser, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest alleging errors in the evaluation of the protester's proposal is denied where the record demonstrates that the evaluation was reasonable and in accordance with the solicitation.
2. Protest alleging bias is dismissed as legally and factually insufficient where the protester's bare allegations are speculative, and the protester has adduced no evidence of wrongdoing.

DECISION

KnightsBridge Systems LLC, a small business of McLean, Virginia, protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. 33330225RF0010026, issued by the Smithsonian Institution for services in support of the development, design, and strategy for the National Museum of African American History and Culture's (NMAAHC) existing online digital exhibition experience. The protester contends that the Smithsonian evaluated its proposal unreasonably and on the basis of unstated evaluation criteria, and demonstrated bias against the protester.

We deny the protest in part and dismiss the protest in part.

BACKGROUND

On April 10, 2025, the Smithsonian¹ issued the RFP, which sought proposals to assist the NMAAHC with the development, design, and strategy for its existing online digital exhibition experience, known as the Searchable Museum, that serves as an extension of and companion to its in-museum *Slavery and Freedom* exhibition and other permanent museum exhibitions. Agency Report (AR), Tab 1, RFP at 1, 7.

The RFP contemplated award of a single fixed-price contract² with a 6-month period of performance and seven 6-month options. *Id.* at 2-3. The RFP provided that, among proposals satisfying certain minimum qualification requirements not relevant to the allegations here, the Smithsonian would make award on a best-value tradeoff basis, considering five factors: plan of accomplishment; firm's experience and past performance; key personnel and subcontractors; management plan; and price.³ *Id.*

¹ The Smithsonian states that it "believes there is a substantial question whether it is a 'federal agency' for purposes of 31 U.S.C. § 3551(3) and 4 C.F.R. § 21.0(c) and the bid protest jurisdiction of the [Government] Accountability Office." Req. for Dismissal at 1 n.1. The Department of Justice previously has expressed the opinion that the Smithsonian is an "executive agency" within the meaning of the Federal Property and Administrative Services Act, 40 U.S.C. §§ 101-126. See Douglas W. Kmiec, The Status of the Smithsonian Institution Under the Federal Property and Administrative Services Act (June 30, 1988), *available at* <https://www.justice.gov/olc/opinion/status-smithsonian-institution-under-federal-property-and-administrative-services-act> (last visited December 18, 2025); *see also* 31 U.S.C. § 3551(3) (defining "Federal agency" as having "the meaning given such term by section 102 of title 40"); 40 U.S.C. § 102 (defining "federal agency" to include "an executive agency"). Notwithstanding its position regarding jurisdiction, the Smithsonian has requested that our Office resolve this protest pursuant to 4 C.F.R. § 21.13. Req. for Dismissal at 1 n.1. Because we deny the protest, we need not and do not resolve the question of whether the Smithsonian is a "federal agency" for purposes of 31 U.S.C. § 3551(3) and 4 C.F.R. § 21.0(c).

² The RFP's instruction section stated that the Smithsonian anticipated awarding a time-and-materials contract, *see* RFP at 34, but made clear elsewhere that the contract was to be awarded on a fixed-price basis, *see id.* at 3, 5-6.

³ The RFP's evaluation methodology is not a model of clarity. The RFP's instruction section discusses plan of accomplishment; firm's experience and past performance; and management plan as sections of offerors' proposals. RFP at 39-41. A portion of the RFP's instruction section discussing key personnel and subcontractors is numbered as if it were a subsection within the section discussing the management plan, but the formatting otherwise indicates that the key personnel and subcontractors discussion was to be viewed as separate from the management plan section. *Id.* at 41. The instruction section therefore indicates that the Smithsonian would evaluate proposals on the basis of those four non-price factors.

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at 39-43. The RFP did not specify the importance of the non-price factors with respect to each other, but stated that the non-price factors, when combined, were more important than price. *Id.* at 43.

Relevant to the allegations here, under the plan of accomplishment factor, the RFP required offerors to “provide a narrative strategy that fully addresses the required services and deliverables set forth in [the statement of work (SOW).]” *Id.* at 40. It further specified that “[t]he [p]lan of [a]ccomplishment should reflect [the offeror’s] creativity, knowledge of current, new, best practices in software development, web-design, and fields related to the work under this RFP, and how to best deliver these services to museums/cultural institutions.” *Id.*

With respect to the firm’s experience and past performance factor, the RFP instructed offerors to provide at least three examples of work comparable to that described in the RFP performed by the offeror within the past two years. *Id.* The RFP stated that “[a]dditional consideration will be given to [o]fferors with previous government, non-profit, art industry, and/or museum experience.” *Id.* It also stated that “[o]fferors should highlight past experience creating similar services for government and arts and cultural institutions.” *Id.*

Under the key personnel and subcontractors factor, the RFP required the submission of résumés for key personnel. *Id.* at 41. The RFP advised that “[s]kills sets, credentials,

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The RFP’s evaluation section, however, does not align perfectly with the instruction section, stating that “[p]roposals shall be evaluated in accordance with the following criteria being applied to the information requested in” the RFP’s instruction section: “1. Plan of Accomplishment[;] 2. Firm’s Experience and Past Performance[;]
3. Management (Management Plan and Key Personnel)[;]
4. Business/Cost Proposal (including summary of deviations and exceptions)[;]
5. Demonstrated Creative Approach in relation to the Plan of Accomplishment[;]
6. Demonstrated Knowledge of Exhibition-related Subject Matter[; and]
7. Demonstrated Understanding of the Museum’s Diverse Audiences[.]” *Id.* at 42. It provides no other details as to the basis on which the Smithsonian would evaluate the technical merit of proposals.

The attorney advisor who oversaw the Smithsonian’s process for the solicitation, receipt, and evaluation of proposals for the RFP states that the Smithsonian evaluated proposals “based on the four . . . technical evaluation criteria stated in the RFP[,]” listing plan of accomplishment; firm’s experience and past performance; key personnel and subcontractors; and management plan as those criteria. AR, Tab 2, Decl. of Attorney Advisor at 1-2. As the parties do not dispute on what evaluation factors the Smithsonian made its award decision, we proceed with the understanding that the Smithsonian evaluated proposals on the basis of those four identified non-price factors and price.

and relevant experiences of the proposed team shall be compared to the task requirements and specific skill requirements called for in [the SOW].” *Id.*

The Smithsonian received 36 timely proposals by the RFP’s response date of May 21, 2025, including from the protester.⁴ AR, Tab 2, Decl. of Attorney Advisor at 1-2. Of those, the Smithsonian determined that 24 proposals, including the protester’s, satisfied the RFP’s minimum qualification requirements and would proceed to the technical evaluation. *Id.* at 2. After evaluating proposals, the Smithsonian assigned an overall adjectival rating to each proposal on a scale of outstanding, good, acceptable, marginal, and unacceptable, and established a competitive range consisting of those proposals that had received an overall rating of good or outstanding. *Id.* The protester’s proposal, which had been evaluated as unacceptable, was not included in the competitive range. *Id.*

On July 14, the Smithsonian notified the protester that its proposal had been excluded from the competitive range and would not be considered further. *Id.* That same day, the protester requested a debriefing, which was scheduled for and occurred on July 25. *Id.* On July 31, the Smithsonian awarded the contract to Fearless Solutions, LLC, doing business as Fearless Digital. *Id.*

On August 4, the protester submitted an agency-level protest to the Smithsonian, challenging the exclusion of its proposal from the competitive range and requesting a reevaluation of its technical proposal.⁵ *Id.* at 3. On August 12, the Smithsonian notified the protester that it would conduct a reevaluation of the protester’s proposal, and that the protester would receive a response by September 8. Req. for Dismissal, exh. G.

On August 25, the Smithsonian notified the protester that it had completed its reevaluation, and that the protester’s proposal remained outside the competitive range. AR, Tab 2, Decl. of Attorney Advisor at 3; Req. for Dismissal, exh. I. The notification did not include any details of the reevaluation of the protester’s proposal, such as an adjectival rating or assigned weaknesses or deficiencies. Req. for Dismissal, exh. I. The Smithsonian advised the protester that it could request a debriefing pursuant to FAR section 15.505(a)(1). *Id.*

In response to questions thereafter submitted *via* email by the protester, the Smithsonian offered to schedule a debriefing call on September 8. *Id.*, exh. J. The

⁴ The Smithsonian initially states that it received 38 timely proposals, but subsequently clarifies that two of those 38 proposals were untimely submitted. See AR, Tab 2, Decl. of Attorney Advisor at 1-2.

⁵ The protester transmitted its agency-level protest *via* email, which bears a timestamp of 12:45 a.m. on Sunday, August 3, 2025, see Req. for Dismissal, exh. G, and therefore the agency-level protest is deemed to be filed on Monday, August 4, see Federal Acquisition Regulation (FAR) 33.101.

protester initially declined, requesting a written debriefing. *Id.* After the Smithsonian declined that request, stating that its policy was to provide debriefings only through a face-to-face meeting or telephone conference, the protester asked to schedule a debriefing on Monday, September 1. *Id.* As that day was Labor Day, a federal holiday, the Smithsonian offered to schedule a debriefing on Friday, September 5. *Id.* The protester initially declined, citing concerns about the impact of the debriefing's scheduling on the protester's ability to timely file a protest with our Office. *Id.*

After the Smithsonian again offered on September 3 to conduct a debriefing on September 5, the protester accepted but further stated that it would be filing a GAO protest "based on the *1st debriefing* already provided." *Id.* In response the Smithsonian declined to provide a debriefing to the protester. *Id.*

On September 4, the protester filed this protest with our Office.

DISCUSSION

The protester raises several challenges to the evaluation of its proposal, contending that the Smithsonian improperly downgraded its proposal with respect to content strategy and meeting the RFP's interpretive and cultural goals, and unreasonably failed to credit the protester's experience and past performance. The protester also alleges that the Smithsonian was biased against the protester. As discussed below, we conclude that there is no basis on which to sustain the protest.

Initial Matters

Consistent with the protester's statement to the Smithsonian that it intended to file its protest based upon the debriefing it received on July 25 with respect to the initial evaluation of its proposal, the protest challenges several aspects of the first evaluation of the protester's proposal. See Protest at 6-8. As discussed above, however, the Smithsonian reevaluated the protester's proposal in response to the agency-level protest submitted on August 4. The protester's proposal again was excluded from the competitive range on the basis of that reevaluation. Because the Smithsonian took action, *i.e.*, the reevaluation of the protester's proposal, that superseded the basis for the original exclusion of the protester's proposal from the competitive range, *i.e.*, the initial evaluation of the protester's proposal, the protest allegations regarding the initial evaluation are academic, and we therefore dismiss them. See, e.g., *Odyssey Sys. Consulting Grp., Ltd.*, B-418440.8, B-418440.9, Nov. 24, 2020, 2020 CPD ¶ 385 at 8 ("Where . . . an agency undertakes corrective action that will supersede and potentially alter prior procurement actions, our Office will generally decline to rule on a protest challenging the agency's prior actions on the basis that the protest is rendered academic.").

On September 10, the Smithsonian requested dismissal of the protest on several bases, including that the reevaluation of the protester's proposal had rendered the protest academic. See Req. for Dismissal at 4. The request for dismissal attached as an

exhibit a document reflecting the Smithsonian's consensus findings of the reevaluation of the protester's proposal, which disclosed to the protester for the first time the reevaluation findings and an overall adjectival rating of marginal, which resulted in the continued exclusion of its proposal from the competitive range. See Req. for Dismissal, exh. H. The protester responded to the request for dismissal on September 14, raising challenges to the reevaluation of its proposal, which we docketed as a supplemental protest. See Notice Regarding Agency Report. It is those allegations regarding the reevaluation of the protester's proposal that we address below.

Content Strategy

The protester first alleges that the Smithsonian unreasonably downgraded its proposal for its content strategy. Resp. to Req. for Dismissal at 1. The protester argues that this was unreasonable because "a meaningful content strategy cannot be created without first knowing the actual content to be delivered[,] and that because the RFP did not provide that content, "[d]owngrading KnightsBridge for not presenting a fully developed strategy absent defined content was both unreasonable and inconsistent with the solicitation." *Id.*

The evaluation of an offeror's proposal is a matter within the agency's discretion. *National Gov't Servs., Inc.*, B-401063.2 *et al.*, Jan. 30, 2012, 2012 CPD ¶ 59 at 5. In reviewing protests challenging an agency's evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency but rather examines the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. *22nd Century Techs., Inc.*, B-413210, B-413210.2, Sept. 2, 2016, 2016 CPD ¶ 306 at 8. An offeror's disagreement with the agency's evaluation judgment, without more, is insufficient to establish that the agency acted unreasonably. See *Vectrus Sys. Corp.*, B-412581.3 *et al.*, Dec. 21, 2016, 2017 CPD ¶ 10 at 3.

The protester's argument misunderstands the nature of the concern that led the Smithsonian to downgrade the proposal. The record reflects that the Smithsonian's concern arose out of the qualifications of the protester's proposed content strategist, not the failure to provide a fully developed content strategy. As stated in the consensus evaluation report, the Smithsonian concluded that "[t]here were major deficiencies around the content strategy and copy editing roles that . . . raise concerns about being able to complete necessary tasks around digital exhibit design, development of interactives, content narrative development, review of exhibition scripts, and other tasks." AR, Tab 8, Consensus Evaluation Report. In that regard, the SOW lists a content strategist among the core team roles to be provided by the selected contractor. RFP at 9. As discussed above, the RFP notified offerors with respect to the key personnel and subcontractors factor that "[s]kills sets, credentials, and relevant experiences of the proposed team shall be compared to the task requirements and specific skill requirements called for in [the SOW]." *Id.* at 41. Thus, the record reflects that, consistent with the RFP's provisions, the Smithsonian identified concerns

regarding the protester's approach to the content strategy role, not the failure to provide a content strategy. We therefore deny this ground of protest.⁶

Interpretive and Cultural Goals

Next, the protester contends that the Smithsonian used unstated evaluation criteria in concluding that the protester “posed ‘a substantial risk’ of not meeting the RFP’s ‘interpretive and cultural goals,’” because those “terms [were] never defined in the solicitation.” Resp. to Req. for Dismissal at 2.

It is axiomatic that in a negotiated procurement an agency must evaluate quotations or proposals based on the solicitation’s enumerated evaluation factors. *RTI Int'l*, B-411268, June 26, 2015, 2015 CPD ¶ 206 at 12. Agencies, however, properly may evaluate quotations or proposals based on considerations not expressly stated in the solicitation where those considerations are reasonably and logically encompassed within the stated evaluation factor, and where there is a clear nexus between the stated and unstated criteria. *Straughan Envt'l, Inc.*, B-411650 *et al.*, Sept. 18, 2015, 2015 CPD ¶ 287 at 8. For the reasons that follow, we find no basis on which to sustain the protest.

As reflected in the consensus evaluation report, the Smithsonian found that, while the protester’s proposal “reflect[ed] a technical [information technology] focus[,]” it did “not demonstrate cultural or interpretive alignment, which is critical[.]” AR, Tab 8, Consensus Evaluation Report. The Smithsonian further concluded that the “deficiencies outlined [in the report] create a substantial risk that the [protester] would not be able to deliver a museum-quality product aligned with the RFP’s interpretive and cultural goals.” *Id.*

Relevant to this allegation, the RFP required offerors to provide “a narrative strategy that fully addresses the required services and deliverables set forth in [the SOW]” under the plan of accomplishment factor. RFP at 40. While the SOW did not specifically list particular interpretive and cultural goals, several provisions of the SOW do speak to those goals. For example, the SOW states that one of the goals of the Searchable Museum is to “creat[e] new, original, interpretive digital experiences that reimagine the [NMAAHC’s] exhibitions, collection, archives, and scholarly works in a digital space that engages online visitors with visually compelling, immersive, multimedia storytelling that is informative and educational.” *Id.* at 7. It similarly states that among the project’s key objectives “are to provide online visitors to the Searchable Museum with experiences that grow and diversify the [NAAMHC’s] audience reach, enhance[] engagement, and increase the [NMAAHC’s] impact among key online audience segments.” *Id.* at 8. In describing the NMAAHC’s vision for its online experience, the SOW states a goal of

⁶ To the extent the protester alleges that it was unreasonable to evaluate an offeror’s content strategy because of the absence of information in the RFP regarding the content to be delivered, such an allegation is an untimely challenge to the terms of the RFP. 4 C.F.R. § 21.2(a)(1).

“increas[ing] the [NMAAHC’s] reach and impact by creating an accessible, inclusive, intuitive, educational experience for diverse audiences of learners of all levels[.]” *Id.*

Thus, the RFP notified offerors that their proposals should be aligned with the goals stated in the SOW, which, in turn, delineated those goals. Additionally, it is not unreasonable to characterize the substance of the SOW provisions quoted above as reflecting the Smithsonian’s interpretive and cultural goals to be furthered under the contract to be awarded. On this record, we conclude that the Smithsonian did not depart from the RFP’s terms in downgrading the protester’s proposal for failing to demonstrate alignment with the Smithsonian’s interpretive and cultural goals. We therefore deny the protester’s allegation that the Smithsonian’s evaluation relied upon unstated evaluation criteria.

Past Performance

The protester next alleges that the Smithsonian “disregarded KnightsBridge’s strong record of performance.” Resp. to Req. for Dismissal at 2. The protester points in particular to the experience of a senior member of its team leading “digital projects . . . that required tailoring content strategies for diverse international audiences” and “demanded cultural sensitivity, multilingual presentation, and engagement across multiple demographics[.]” *Id.* The protester contends that the Smithsonian “ignor[ed] this evidence” and thereby “minimized KnightsBridge’s qualifications and unfairly disadvantaged [its] proposal.” *Id.*

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 which we will not disturb unless the agency’s assessments are unreasonable or inconsistent with the evaluation criteria. *Spry Methods, Inc.; Castalia Sys., LLC, B-421640.3 et al.*, Apr. 17, 2024, 2024 CPD ¶ 107 at 18. A protester’s disagreement with the agency’s judgment does not establish that an evaluation was unreasonable. *Id.*

As discussed above, with respect to the firm’s experience and past performance factor, the RFP required offerors to submit at least three examples of work comparable to that described in the RFP performed by the offeror within the past two years. The protester provided such examples in its technical proposal, see AR, Tab 4, KnightsBridge Technical Proposal at 8-18, which the Smithsonian’s evaluators reviewed and considered in their reevaluation of the protester’s proposal, see AR, Tab 5, Individual Evaluator A Worksheet at 2-3; Tab 6, Individual Evaluator B Worksheet at 3-6; Tab 7, Individual Evaluator C Worksheet at 2-3.

The experience example that the protester contends the Smithsonian disregarded does not appear in the firm’s experience and past performance section of its proposal. Rather, that information appears in a separate volume of the protester’s proposal altogether, which was to address the RFP’s minimum qualification requirements. See AR, Tab 3, KnightsBridge Minimum Qualification Requirement Proposal at 6-7. Thus, to whatever extent the Smithsonian did not consider it in evaluating the protester’s

proposal under the firm's experience and past performance factor, that was consistent with the RFP's terms. See, e.g., *DGG RE Investments, LLC*, B-420905.2, B-420905.3, Jan. 19, 2023, 2023 CPD ¶ 32 at 6 (denying protest on the basis that requiring an agency to consider disparate proposal sections would effectively negate the solicitation's specific proposal structure, page limitations, and distinct evaluation criteria); *Network Designs, Inc.*, B-418461.7, B-418461.17, Feb. 22, 2021, 2021 CPD ¶ 143 at 10 (denying protest and explaining that an agency is not required to piece together portions of a proposal when conducting an evaluation). We therefore deny this ground of protest.

Bias

Finally, the protester alleges that "the Smithsonian appears predisposed against our firm and has indicated that an award would not be given to KnightsBridge regardless of compliance." Resp. to Req. for Dismissal at 2. In support of this allegation of bias, the protester further states that "the Smithsonian appears to have applied heightened scrutiny under undefined 'interpretive and cultural goals' not only to KnightsBridge but also to other bidders[.]" *Id.*

As we have stated, government officials are presumed to act in good faith, and a protester's contention that contracting officials are motivated by bias or bad faith must be supported by convincing proof. *DLF-CPC JV, LLC*, B-418581, B-418581.2, June 22, 2020, 2020 CPD ¶ 218 at 7. We have explained that the burden of establishing bad faith is a heavy one; the protester must present facts reasonably indicating, beyond mere inference and suspicion, that the actions complained of were motivated by a specific and malicious intent to harm the protester. *Undercover Training, LLC*, B-418170, Jan. 9, 2020, 2020 CPD ¶ 25 at 6 n.4. Here, the protester adduces no evidence of wrongdoing, and its claims therefore amount to nothing more than unsubstantiated allegations and do not meet our standard for demonstrating bad faith or bias by a procuring agency. Accordingly, this ground of protest is dismissed.

The protest is denied.

Edda Emmanuelli Perez
General Counsel