



DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Decision

Matter of: Base Services of Athens, Inc.

File: B-423783; B-423783.2

Date: December 17, 2025

Jayna M. Rust, Esq., Katherine S. Nucci, Esq., and Scott F. Lane, Esq., Thompson Coburn LLP, for the protester.
Aron C. Beezley, Esq., Patrick R. Quigley, Esq., and Winni Zhang, Esq., Bradley Arant Boult Cummings LLP, for Crystal Enterprises, Inc., the intervenor.
Courtney Hatcher, Department of the Navy, for the agency.
Jacob M. Talcott, Esq., and Heather Weiner, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's past performance evaluation is denied where the evaluation was reasonable and in accordance with the terms of the solicitation.
 2. Protest alleging that the agency committed evaluation errors is denied where the protester fails to demonstrate that, but for the evaluation errors, it would have had a substantial chance of receiving the award.
-

DECISION

Base Services of Athens, Inc., a small business of Chamblee, Georgia, protests the award of a contract to Crystal Enterprises, Inc., a small business of Glenn Dale, Maryland, under request for proposals (RFP) No. N68836-25-R-0005, issued by the Department of the Navy, Naval Supply Systems Command, for food galley services. The protester contends that the agency unreasonably evaluated proposals, which resulted in an improper source selection decision.

We deny the protest.

BACKGROUND

The agency issued the solicitation on April 9, 2025, as a set-aside for small businesses, subject to the Randolph Sheppard Act, in accordance with Federal Acquisition Regulation (FAR) part 15.¹ Agency Report (AR), Exh. 1, RFP at 2, 80.² The solicitation provided for the award of a fixed-price contract with a base period of one year, four 1-year option periods, and a 6-month option to extend. *Id.* at 80. The solicitation sought an offeror to provide all personnel, management, items, and services necessary to perform attendant services, food preparation, and food production. *Id.* at 93. The due date for proposals, as amended, was May 13, 2025. AR, Exh. 2, RFP amend. 0001 at 2.

The solicitation provided for the evaluation of proposals based on the following factors: technical capability, past performance, and price. RFP at 86. The technical capability factor, which is not at issue in this protest, consisted of the following subfactors: cleaning and housekeeping plan, quality control plan, training plan, and project manager. *Id.* Proposals would receive a rating of acceptable or unacceptable for each subfactor and the technical capability factor overall. *Id.* at 87. Any proposal that received a rating of unacceptable for any subfactor would be considered unacceptable overall. *Id.*

Under the past performance factor, offerors were to provide up to three past performance questionnaires for their most recent and relevant past performance references. *Id.* at 83. The agency would evaluate each reference for recency and relevancy. *Id.* at 88. To be considered recent, the reference must have been ongoing or performed within the last three years from the date that the solicitation was issued. *Id.* For relevancy, the agency would evaluate the reference's similarity in scope, magnitude, and complexity to the requirements of the solicitation.³ *Id.* The agency would assign proposals a rating of very relevant, relevant, somewhat relevant, or not

¹ The Randolph Sheppard Act establishes a priority for blind persons represented by a state licensing agency in the award of contracts for, among other things, the operation of vending facilities and cafeterias in federal buildings. See 20 U.S.C. § 107; 34 C.F.R. § 395.33. The agency did not receive any offers from the state licensing agency in response to this solicitation. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 12.

² All citations reference the Adobe PDF page number.

³ The solicitation defined scope as providing food service attendant support services. RFP at 88. It defined magnitude as "contract value of \$2 million per year or greater and/or the annual/monthly average number of meals and personnel in comparison to the required effort estimated historical workload." *Id.* It defined complexity as experience with "[f]ood [s]ervice [a]ttendant [s]upport [s]ervices, [c]ook [s]ervices, [p]reparing and storing food in accordance with regulations, cleaning and sanitizing dining areas." *Id.*

relevant under this factor.⁴ *Id.* Last, the agency would assign a past performance confidence rating of substantial confidence, satisfactory confidence, limited confidence, no confidence, or unknown confidence.⁵ *Id.* For price, the agency would evaluate pricing information for completeness and reasonableness. *Id.* at 89.

The solicitation provided that the agency would conduct a tradeoff, award the contract to the proposal that represented the best value to the agency, and that the non-price evaluation factors, when combined, were approximately equal to price. *Id.* at 85, 91.

Evaluation Results

The agency received timely proposals from five offerors, including BSA and Crystal. AR, Exh. 7., Business Clearance Memorandum (BCM) at 45. After evaluating the proposals, the agency assigned BSA's and Crystal's proposals the following ratings:

	BSA	Crystal
Technical Capability	Acceptable	Acceptable
Past Performance	Satisfactory Confidence	Satisfactory Confidence
Price	\$19,077,300	\$17,182,009

Id. As relevant here, both BSA and Crystal submitted three past performance references for evaluation. The agency assigned BSA's three references relevancy ratings of relevant, very relevant, and somewhat relevant. *Id.* at 31. It assigned Crystal's three references ratings of relevant, very relevant, and relevant. *Id.* at 39. In conducting the tradeoff, the agency concluded that Crystal's past performance was superior to BSA's past performance. *Id.* at 46. Given the superior past performance and lower price, the agency concluded that Crystal's proposal represented the best value to the agency. *Id.*

⁴ A rating of very relevant indicated that the effort was "essentially the same" in terms of scope, magnitude, and complexity. RFP at 88. A rating of relevant indicated that the effort was "similar" in terms of scope, magnitude, and complexity. *Id.* A rating of somewhat relevant indicated that the effort "involved some" of the scope, magnitude, and complexity as the solicitation. *Id.* A rating of not relevant indicated that the effort involved "little or none" of the scope, magnitude, and complexity as the solicitation. *Id.*

⁵ As relevant here, a rating of substantial confidence indicated that, based on the offeror's recent and relevant performance record, the agency had a "high expectation" that the offeror would successfully perform the required effort. RFP at 88. A rating of satisfactory confidence indicated that, based on the offeror's recent and relevant performance record, the agency had a "[r]easonable expectation" that the offeror would successfully perform the required effort. *Id.*

On July 24, 2025, the agency notified BSA of the award to Crystal. COS/MOL at 3. After requesting and receiving a debriefing on July 28, BSA filed this protest with our Office. *Id.*

DISCUSSION

BSA raises numerous challenges to the agency's evaluation of past performance for BSA and Crystal. See Protest at 11-14; see *also* Comments and Supp. Protest at 5-16. First, BSA argues that the past performance evaluation contained factual errors that affected the reasonableness of the agency's source selection decision. Protest at 11. Second, BSA contends that all of Crystal's past performance references should have received ratings of somewhat relevant. *Id.* at 12. Third, BSA argues that the agency failed to consider past performance information that was "too close at hand to be ignored." Comments and Supp. Protest at 13. Last, BSA contends that the agency's tradeoff decision was unreasonable. *Id.* at 17. For reasons discussed below, we deny the protest.⁶

Past Performance

In reviewing a challenge to an agency's past performance evaluation, our Office will examine the agency's evaluation to ensure only that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations, since determining the relative merit of an offeror's past performance is primarily a matter within the agency's discretion. *American Env'tl. Servs., Inc.*, B-406952.2, B-406952.3, Oct. 11, 2012, 2013 CPD ¶ 90 at 5. The evaluation of past performance, by its very nature, is subjective; an offeror's disagreement with an agency's evaluation judgments, by itself, does not demonstrate that those judgments are unreasonable. *Cape Env'tl. Mgmt., Inc.*, B-412046.4, B-412046.5, May 9, 2016, 2016 CPD ¶ 128 at 8-9.

Errors in the Past Performance Evaluation

BSA challenges the agency's evaluation of both its proposal and Crystal's proposal under the past performance factor. Protest at 11. Specifically, the protester argues that the agency erroneously assigned its third past performance reference a rating of somewhat relevant instead of relevant. Comments and Supp. Protest at 5. BSA also argues that the agency erroneously evaluated one of Crystal's references, which resulted in that reference improperly receiving a rating of very relevant instead of relevant. Comments and Supp. Protest at 5. The agency concedes that the evaluators made errors in both instances but contends that we should deny this protest ground

⁶ Although we do not address every argument raised by the protester, we have considered all of them and find that none provide a basis to sustain the protest. In this regard, many of the protester's arguments contain a significant amount of overlap, particularly as it concerns the agency's evaluation of past performance. We therefore address a representative number of arguments.

because BSA cannot demonstrate that the errors were competitively prejudicial. COS/MOL at 18.

As relevant here, the agency assigned BSA's past performance references ratings of relevant, very relevant, and somewhat relevant. AR, Exh. 7, BCM at 31. In evaluating the magnitude of BSA's third reference, the evaluators concluded that this reference shared only "some" of the magnitude of the solicitation because the estimated value per year of the reference was \$662,150, which was approximately 66 percent less than the \$2 million threshold for the current requirement. *Id.* at 34. The contracting officer, in reviewing the filings associated with the subject protest as well as outside documentation, discovered that this portion of the evaluation was erroneous. COS/MOL at 15-16. Specifically, the contracting officer noted that the correct annual value of BSA's third reference was \$2.6 million, which exceeded the instant requirement's \$2 million threshold. *See id.*

Similarly, in response to the protest, the agency identified an error in its evaluation of Crystal's proposal. As noted above, the agency assigned Crystal's past performance references ratings of relevant, very relevant, and relevant. AR, Exh. 7, BCM at 39. After reviewing the protest, the contracting officer notes that the evaluators erroneously evaluated the magnitude of Crystal's second reference. COS at 31. Specifically, the evaluators incorrectly concluded that this reference surpassed the \$2 million threshold when, in fact, it fell below this threshold. *Id.* The contracting officer maintains, and the protester does not disagree, that had the agency correctly evaluated the magnitude of BSA's and Crystal's past performance, the past performance ratings for BSA would change to relevant, very relevant, and relevant, and the ratings for Crystal would change to relevant, relevant, and relevant. COS/MOL at 16, 22; *see* Comments and Supp. Protest at 2.

The agency argues that, despite these errors, BSA was not prejudiced by the agency's actions because the overall past performance confidence ratings would remain the same and the agency still would not pay an 11 percent price premium for non-superior past performance. *Id.* at 24; AR, Exh. 7, BCM at 46. The protester responds that it was prejudiced by these evaluation errors because the erroneous relevancy ratings were "the sole reason" it received a rating of satisfactory confidence. Comment and Supp. Protest at 6.

Notwithstanding the aforementioned evaluation errors, we have no basis to sustain this protest ground because there is no indication that these errors competitively prejudiced BSA. In this regard, our Office will not sustain a protest unless the protester demonstrates a reasonable possibility that it was prejudiced by the agency's actions. *Raytheon Co.*, B-409651, B-409651.2, July 9, 2014, 2014 CPD ¶ 207 at 17. That is, the protester must show that but for the agency's actions, it would have had a substantial chance of receiving the award. *Id.*

As relevant here and noted above, in evaluating past performance, the agency assigned both BSA's and Crystal's past performance ratings of satisfactory confidence. AR,

Exh. 7, BCM at 33, 38. With regard to BSA--the rating for reference 1 was relevant (with similar complexity and essentially the same magnitude), the rating for reference 2 was very relevant (with essentially the same complexity and magnitude), and the rating for reference 3 was somewhat relevant (with similar complexity and some of the same magnitude). *Id.* at 31-34. In assigning BSA's proposal an overall confidence rating of satisfactory, the agency explained that "[w]hile the somewhat relevant contract did not have quality information available[,] BSA had satisfactory to excellent performance on both the relevant and very relevant contracts."⁷ *Id.* at 33. The agency explained that the "differentiating factors between Substantial Confidence and Satisfactory is the lesser complexity in 2 out of 3 of the evaluated contracts and the lesser magnitude in 2 out of the 3 evaluated contract[s]." *Id.*

With regard to Crystal--the rating for reference 1 was relevant (with essentially the same complexity and some of the same magnitude), the rating for reference 2 was very relevant (with essentially the same complexity and magnitude), and the rating for reference 3 was relevant (with essentially the same complexity and some of the same magnitude). *Id.* at 31-34. In assigning Crystal's proposal an overall confidence rating of satisfactory, the agency noted that the "CPARS [contractor performance assessment reporting system] ratings [for Crystal's reference contracts] were shown to be Exceptional and Very good in quality," and that the "differentiating factor between Substantial Confidence and Satisfactory is the lesser magnitude in 2 out of 3 of the evaluated contracts." *Id.* at 41. In making the source selection, while both BSA's proposal and Crystal's proposal received performance confidence ratings of satisfactory confidence, the agency concluded that Crystal's past performance was superior. AR, Exh. 7, BCM at 45. The agency reached this conclusion due to the "strong performance on [the] third contract with a higher relevancy rating comparatively." *Id.* In conducting the tradeoff, the agency noted that it was not in the best interest of the agency to pay an 11 percent price premium for non-superior performance and therefore, selected Crystal's proposal for award. *Id.* at 45.

While the protester argues that, but for the agency's errors, its past performance would have received a rating of substantial confidence, we note that Crystal's proposal received a confidence rating of satisfactory confidence with the same relevancy ratings that BSA asserts its proposal would have received, but for the evaluation errors (*i.e.*, two ratings of relevant and one rating of very relevant). See AR, Exh. 7, BCM at 38-39. As pertinent here, it is with regard to BSA's third reference that the contracting officer admits the error. As the contracting officer also notes and the record reflects, however, there were no available past performance questionnaires (PPQs) or reports in the CPARS for BSA's third reference and therefore, the agency was unable to assess the quality for this reference. COS/MOL at 17. Moreover, even without the agency's error, BSA's references still reflect lesser complexity in 2 out of the 3 contracts. *Compare id.* at 33 (stating that the differentiating factors between substantial confidence and

⁷ Note that all of the reference contracts for BSA and Crystal were also found to be recent with essentially the same scope. *Id.* at 31-33, 38-40.

satisfactory is, in part, due to the lesser complexity in 2 out of 3 of the evaluated contracts); *with id.* at 41 (stating that the differentiating factor between substantial confidence and satisfactory is the lesser magnitude in 2 out of 3 of the evaluated contracts). Given these factors, the record does not indicate, nor has the protester demonstrated, that BSA's past performance confidence rating would have increased from satisfactory to substantial but for the cited evaluation errors.

In addition, as it concerns Crystal's proposal, there is no indication that its confidence rating would have decreased. Specifically, there was no negative information concerning Crystal's references that would have led the agency to have a low expectation of Crystal's successful performance. *Id.* at 23. Moreover, even if BSA's and Crystal's relevancy ratings were both relevant (as opposed to somewhat relevant for BSA and relevant for Crystal), for the offerors' third references, as the protester asserts, the protester has failed to demonstrate how this change reflects that its past performance is superior. *Id.* at 45 (concluding that Crystal's past performance was superior due to the "strong performance on [the] third contract with a higher relevancy rating comparatively.") *Id.* Ultimately, BSA has not demonstrated that, but for the evaluation errors, its past performance confidence rating would have increased or Crystal's past performance confidence rating would have decreased, nor has BSA demonstrated that, but for the errors, its past performance is superior to Crystal's. Because it cannot make this showing, BSA also cannot demonstrate competitive prejudice because the fact remains that the agency was unwilling to pay an 11 percent price premium for non-superior past performance. AR, Exh. 7, BCM at 46 (explaining that BSA was not selected for award because it was not in the best interest of the agency to pay an 11 percent price premium for a non-superior past performance). Accordingly, this protest ground is denied.

Evaluation of Crystal's Past Performance

BSA argues that the agency should have assigned ratings of somewhat relevant to "any and all of [Crystal's] past performance references." Protest at 12. Specifically, BSA contends that Crystal has not had "a single Federal contract for similar services that exceeds \$500,000 in value," so it was unreasonable for the agency to conclude that they were similar in scope, magnitude, and complexity. *Id.*; *see also* Comments and Supp. Protest at 11. The agency contends that it reasonably assigned Crystal's references ratings of relevant because, while lesser in magnitude, the references were essentially the same in scope and complexity as the requirements of the solicitation. COS/MOL at 31.

As noted above, the solicitation provided that the agency would assess relevancy by considering the scope, magnitude, and complexity of an offeror's past performance references. RFP at 88. In conducting its evaluation of Crystal's past performance, the evaluators noted that while some of Crystal's references were of a "lesser magnitude," all three references were "essentially the same" in terms of scope and complexity. AR, Exh. 7, BCM at 39-41. In reaching this conclusion, the agency noted that all of Crystal's past performance references involved food service attendant services, including cook

services, which satisfied the criteria for relevant past performance. *See id.* Despite these findings, BSA asserts that the failure of these references to meet the magnitude criteria made it “virtually certain” that they could not have been similar in terms of complexity and scope. *See* Protest at 12-13.

We have no basis to sustain this protest ground. The solicitation defined scope as providing food service attendant support services; it defined complexity as experience providing services in the functional areas of performance, such as cook services. RFP at 88. Contrary to BSA’s position, the solicitation did not require the agency to consider magnitude in its evaluation of scope and complexity. *See id.* Instead, given that Crystal’s references involved food service attendant services, including cook services, we have no basis to object to the agency’s finding that these references were essentially the same in terms of scope and complexity, and thus, warranted a rating of relevant. BSA’s argument that these references should have received ratings of somewhat relevant is, at best, a disagreement with the agency’s evaluation. Without more, such an argument provides no basis to sustain a protest. *Cape Envtl. Mgmt., Inc., supra.* This protest ground is denied.

Evaluation of BSA’s Past Performance

BSA next contends that the agency “unreasonably ignored its own knowledge” about BSA’s performance on the incumbent contract. Comments and Supp. Protest at 13. Specifically, the protester contends that the agency failed to consider past performance information that was “too close at hand to be ignored.” *Id.* at 14. The agency responds that the evaluation was unobjectionable as the reports that BSA alleges that the agency should have considered were not available at the time of the evaluation. Supp. MOL at 5-6.

Our Office has recognized that, in certain limited circumstances, an agency evaluating an offeror’s past performance has an obligation (as opposed to the discretion) to consider past performance information that is “simply too close at hand to require offerors to shoulder the inequities that spring from an agency’s failure to obtain, and consider, the information.” *Exelis Sys. Corp., B-407111 et al., Nov. 13, 2012, 2012 CPD ¶ 340* at 22. We generally limit the application of this principle to situations where the alleged “too close at hand” past performance information relates to contracts for the same services with the same procuring activity, or information personally known to the evaluators. *Exelis Sys. Corp., supra.* That said, an agency is not required to consider information that was not available to it at the time that it performed the past performance evaluation. *See MINACT, Inc., B-400951, Mar. 27, 2009, 2009 CPD ¶ 76* at 7 n.4 (explaining that there was no requirement for the contracting officer to seek more up-to-date past performance information prior to the time of source selection where the contracting officer used the most recent past performance information in its evaluation).

We find nothing objectionable in the agency’s purported failure to consider the information presented by BSA. As relevant here, BSA contends that the agency should have considered a CPARS report in its past performance evaluation because two

individuals on the contracting team for this procurement also were involved in the procurement referenced by that CPARS report. Comments and Supp. Protest at 13. As acknowledged by BSA, however, this CPARS report was not available until about a month after the agency made award to Crystal. See *id.*; see also COS/MOL at 3. Because there is no indication that the CPARS report referenced by BSA was available at the time of the evaluation, we have no basis to object to the agency's failure to consider it. This protest ground is thus denied.

Best-Value Tradeoff

Finally, BSA contends that the agency's best-value tradeoff decision was unreasonable due to the purported flaws in the past performance evaluation addressed above. See Protest at 19; Comments and Supp. Protest at 17. We deny this protest ground because it is derivative of BSA's earlier protest grounds, which we have denied. See *ASRC Fed. Tech. Sols., LLC*, B-421750, Sep. 21, 2023, 2023 CPD ¶ 245 at 15.

The protest is denied.⁸

Edda Emmanuelli Perez
General Counsel

⁸ We note that, prior to the filing of the agency report, the agency requested dismissal of the protester's challenge to the agency's affirmative responsibility determination. Req. for Dismissal at 1. We granted the request and informed the agency that it did not need to address this argument in the agency report. Electronic Protest Docket System No. 20. In reaching our conclusion to dismiss this protest ground, we note that our Office does not review affirmative responsibility determinations made by contracting officers, except in limited circumstances that were not present here. 4 C.F.R. § 21.5(c); see *T.F. Boyle Transp., Inc.*, B-310708, B-310708.2, Jan. 29, 2008, 2008 CPD ¶ 52 at 5.