



# Decision

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**Matter of:** Amentum Technology Inc.; SOS International LLC

**File:** B-423898; B-423898.3; B-423898.2; B-423898.4

**Date:** January 27, 2026

Anuj Vohra, Esq., Cherie J. Owen, Esq., William B. O'Reilly, Esq., Issac D. Schabes, Esq., and Emily P. Golchini, Crowell & Moring LLP, for Amentum Technology Inc.; and Dawn E. Stern, Esq., and Andrew W. Current, Esq., DLA Piper LLP (US), for SOS International LLC, the protesters.

Noah B. Bleicher, Esq., Moshe B. Broder, Esq., Jennifer Eve Retener, Esq., Aime J. Joo, Esq., Ginsey V. Kramarczyk, Esq., and Sierra A. Paskins, Esq., Jenner & Block, LLP, for General Dynamics Information Technology, Inc., the intervenor.

Darren S. Gilkes, Esq., Lieutenant Colonel Gregory T. O'Malley, Max D. Houtz, Esq., and Jeff Meding, Esq., Defense Intelligence Agency, for the agency.

Samantha S. Lee, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Protests challenging the agency's evaluation of proposals are sustained where the evaluation of proposals under the technical factor was unsupported by the record and inadequately documented.

## DECISION

Amentum Technology Inc., of Chantilly, Virginia, and SOS International LLC (SOSi), of Reston, Virginia, protest the issuance of a task order for analytic support to General Dynamics Information Technology, Inc. (GDIT), of Falls Church, Virginia, under a task order proposal request (TOPR) issued by the Defense Intelligence Agency (DIA) for the United States Central Command (USCENTCOM) Joint Intelligence Operations Center (JIOC).<sup>1</sup> The protesters challenge multiple aspects of the agency's evaluation and source selection process.

<sup>1</sup> DIA did not assign a number to the TOPR, which was amended once; citations are to the amended version. Agency Report (AR), Tab 4, TOPR at 1. The protests were developed separately. For simplicity, citations are to the record provided in the agency

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We sustain the protests.

## BACKGROUND

On January 22, 2025, using the procedures of Federal Acquisition Regulation (FAR) subpart 16.5, the agency issued the TOPR to holders of its Solutions for the Information Technology Enterprise 3 indefinite-delivery, indefinite-quantity (IDIQ) contracts. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 1; TOPR at 1. The solicitation sought proposals to support the USCENTCOM Intelligence Directorate in performing consolidated intelligence analysis and associated activities.<sup>2</sup> TOPR at 23. The contractor will provide support primarily at the JIOC facility located at MacDill Air Force Base, the headquarters for USCENTCOM, in Tampa, Florida. *Id.* at 25.

The TOPR contemplated issuance of a single time-and-materials-type task order (TO) for a 1-year base period and four 1-year option periods. TOPR at 151. The solicitation anticipated award would be made to the highest technically evaluated proposal with a fair and reasonable price, considering price reasonableness and a single non-price technical factor. *Id.* at 157. Under these procedures, the agency would first evaluate offerors' technical proposals to assess offerors' ability to meet requirements set forth in the performance work statement (PWS). For this factor, the agency was to consider three subfactors, in descending order of importance: (1) "proposed approach, similar expertise, and substantial understanding of applicable PWS areas"; (2) depth of knowledge and expertise; and (3) management approach. *Id.* at 157. Second, the agency would evaluate price proposals to ensure that the highest technically evaluated proposal was proposed at a fair and reasonable price. *Id.*

The TOPR specified that offerors would provide technical proposals *via* an oral presentation. *Id.* at 152. The oral presentations were to consist of (1) responses to the same three questions posed to all offerors, "covering the technical areas of work and program management" required for the TO and provided by the agency 72 hours ahead of time, and (2) a scenario provided to the offeror at the time of the oral presentation.

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report filed in the B-423898; B-423898.3, *Amentum Technology Inc.* protest, except where otherwise noted. Page numbers refer to the documents' Adobe PDF pagination.

<sup>2</sup> USCENTCOM is one of the Department of Defense's eleven unified combatant commands, and "conducts military operations with allies to increase regional security and stability in support of enduring United States (U.S.) interests." TOPR at 23; <https://www.centcom.mil/ABOUT-US/COMPONENT-COMMANDS/> (last visited Jan. 12, 2026). USCENTCOM's Intelligence Directorate "provides timely, accurate, and accessible intelligence support to enable decisionmakers, warfighters, and regional partners to shape the operational environment in accordance with (IAW) the national defense strategy." TOPR at 23.

*Id.* at 161. When evaluating offerors' oral presentations under the technical factor, the TOPR required the agency to assess its "confidence level" and assign a corresponding adjectival rating of high, some, or low confidence.<sup>3</sup> *Id.* at 164-65.

The agency received proposals from nine offerors, including Amentum, SOSi, and GDIT. COS/MOL at 4-6. After the agency identified GDIT as the highest technically evaluated offeror, DIA negotiated with GDIT regarding the proposed price. *Id.* at 6. The results of the agency's evaluation, including the results of the price negotiation with GDIT, are as follows:

	<b>GDIT</b>	<b>SOSi</b>	<b>Amentum</b>
<b>TECHNICAL</b>	High Confidence	High Confidence	Some Confidence
<b>PRICE</b>	\$814,949,286	\$806,643,630	\$789,562,142

AR, Tab 61, Technical and Price Source Selection Decision Document (SSDD) at 2; SOSi AR, Tab 67, Unsuccessful Offeror Notice at 1; AR, Tab 65, Unsuccessful Offeror Notice at 1. After determining that GDIT's proposed price was fair and reasonable, the source selection authority (SSA) issued the TO to GDIT. AR, Tab 61, Technical and Price SSDD at 3.

These protests followed.<sup>4</sup>

## DISCUSSION

Amentum and SOSi challenge various aspects of the agency's evaluation of oral presentations under the technical factor and associated identification of the highest technically evaluated proposal.<sup>5</sup> While our decision does not specifically address every

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<sup>3</sup> The solicitation defined the rating of "high confidence" as one where the government has "**high confidence**" that [o]fferor understands the requirement, possesses relevant expertise and experience, and will be successful in performing the TO with **little or no** government intervention. TOPR at 165. For a rating of "some confidence," the definition was the same except that the government has "**some confidence**" that offeror will be successful in performing with "**some**" government intervention. *Id.* The same definition applied a rating of "low confidence," except that the government has "**low confidence**" that offeror will be successful in performing "**even with**" government intervention. *Id.*

<sup>4</sup> The TO has an expected value exceeding \$35 million and is therefore within our jurisdiction to review protests related to the issuance of orders under multiple-award IDIQ contracts issued under the authority of title 10 of the United States Code. 10 U.S.C. § 3406(f)(1)(B).

<sup>5</sup> In its initial protest, SOSi also alleged that DIA "disparately evaluated offerors," asserting that "[t]here is no evidence that the Agency applied the same level of scrutiny" (continued...)

argument, we have reviewed all the arguments and conclude that only those discussed below provide a basis to sustain the protest.<sup>6</sup>

### Technical Evaluation

The protesters contend that the evaluation of technical proposals was unreasonable, resulting in the assessment of unjustified findings of decreased confidence in Amentum's and SOSI's proposals and unjustified findings of increased confidence in GDIT's proposal. Amentum Comments at 4-41; SOSI Comments at 16-29. The agency responds that it reasonably and properly considered the proposals, and evaluators assessed findings of decreased and increased confidence in accordance with the TOPR. Amentum COS/MOL at 8-24; SOSI COS/MOL at 8-13.

The evaluation of proposals in a task order competition, including the determination of the relative merits of proposals, is primarily a matter within the agency's discretion. *Logistics Mgmt. Inst.,* B-417601 *et al.*, Aug. 30, 2019, 2019 CPD ¶ 311 at 4. In reviewing protests of awards in task order competitions, we do not reevaluate proposals but examine the record to determine whether the evaluation and source selection decision were reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *DynCorp Int'l LLC,* B-411465, B-411465.2, Aug. 4, 2015, 2015 CPD ¶ 228 at 7. A protester's disagreement with the agency's judgment regarding the evaluation of proposals, without more, is not sufficient

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to the SOSI's and GDIT's oral presentations. SOSI Protest at 18. The agency requested our Office dismiss the allegation as legally and factually insufficient. SOSI Req. for Dismissal at 1-2. Our Bid Protest Regulations require that protests include a detailed statement of the legal and factual grounds of protest and that the grounds be legally sufficient. 4 C.F.R. § 21.1(c)(4) and (f). This requirement contemplates that protesters will provide, at a minimum, credible allegations that are supported by evidence and are sufficient, if uncontradicted, to establish the likelihood of the protester's claim of improper agency action. *Warfighter Focused Logistics, Inc.,* B-423546; B-423546.2, Aug. 5, 2025, 2025 CPD ¶ 169. Protesters must provide more than a bare allegation; the allegation must be supported by some explanation that establishes the likelihood that the protester will prevail in its claim of improper agency action. *Id.* Other than this conclusory allegation, the initial protest provides no information to support the bald assertion that DIA treated offerors disparately. SOSI Protest at 18. As such, we dismissed this unsupported speculation as failing to state a valid basis of protest. SOSI Electronic Protest Docketing System No. 28.

<sup>6</sup> The protests were subject to our Office's procedures for protests involving classified information because a small portion of the agency's evaluation record is classified. Although we do not discuss the information in the classified documents in this decision, we have reviewed the information and our analysis is consistent with the record as a whole.

to establish that the agency acted unreasonably. *Imagine One Tech. & Mgmt., Ltd.*, B-412860.4, B-412860.5, Dec. 9, 2016, 2016 CPD ¶ 360 at 5. While we do not substitute our judgment for that of the agency, we will sustain a protest if the agency's conclusions are inconsistent with the solicitation's evaluation criteria, undocumented, or not reasonably based. *Sayres & Assocs. Corp.*, B-408253, B-408253.2, Aug. 1, 2013, 2013 CPD ¶ 206 at 4.

As noted, the solicitation established a single non-price evaluation factor to determine the highest technically evaluated proposal. TOPR at 161. For the technical factor, proposals were limited to oral presentations, addressing a set of three multi-part questions as well a test scenario from DIA. *Id.* The TOPR explained that DIA would evaluate those oral presentations for "proposed approach, similar expertise, and substantial understanding of applicable PWS areas," depth of knowledge from corporate experience, and management approach. *Id.* at 161-63. The record reveals that the evaluators found three aspects of GDIT's proposal that increased confidence and no aspects that decreased confidence. AR, Tab 55, Technical Evaluation Team (TET) Report at 12-13. For SOSI, DIA identified four increased confidence aspects and one aspect that decreased confidence. *Id.* at 16-17. For Amentum, two increased and two decreased confidence aspects were identified by the evaluators. *Id.* at 2-3. Based on these findings, the agency assigned a confidence rating of "high confidence" to GDIT and SOSI, and a rating of "some confidence" to Amentum. AR, Tab 60, Technical SSDD at 2-3. Ultimately, the SSA determined that GDIT had the highest technically evaluated proposal.

Below, we discuss in turn SOSI's challenge to the agency's evaluation of a decreased confidence finding in the firm's proposal, the protesters' challenge to the agency's evaluation of GDIT's proposal, and Amentum's arguments regarding the assessments of decreases in confidence in the firm's proposal.

#### Legacy Network

First, SOSI takes issue with DIA's single negative finding regarding SOSI's proposal, which stemmed from the proposal's reference to a legacy network. SOSI AR, Tab 55.4, TET Report at 17. That is, the evaluators found a concern that decreased the agency's confidence where SOSI's team referenced the Combined Enterprise Regional Information Exchange System (CENTRIXS) during the oral presentation. *Id.* As DIA explains, "CENTRIXS is a community of interest (COI) for classified information sharing that includes many different product suites." SOSI COS/MOL at 9. The evaluators "believe[d]" SOSI referred to the version of CENTRIXS specific to supporting the International Security Assistance Force (ISAF) for Operating Enduring Freedom in Afghanistan, thereby "citing legacy networks that have been decommissioned over 8 years." SOSI AR, Tab 55.4, TET Report at 17; SOSI Comments at 9.

In its documentation for each finding, including the one discussed here, the evaluators identified the relevant section of the TOPR that was addressed by the offeror's oral presentation. SOSI AR, Tab 55.4, TET Report at 17. For the negative finding at issue--

SOSi's reference to a decommissioned version of CENTRIXS--the TET referred to the TOPR section (13.1.1.1.1.8) discussing evaluation of offeror's understanding of "providing Common Intelligence Picture (CIP) and Object Based Production Support." *Id.*; TOPR at 162. Specific to SOSi's proposal, the evaluators noted that SOSi's negative finding resulted from its response to question 2.f.--which asked, "What expertise does the vendor provide executing engineering, configuration, routing and deployment tasks supporting Full Motion Video (FMV) architectures in a tactical environment?" SOSi AR, Tab 55.4, TET Report at 17; AR, Tab 5, Oral Presentation Questions at 2.

SOSi argues that the agency's negative assessment of the firm's proposal was unreasonable because the agency relied on an inaccurate guess or assumption about the content of the oral presentation. SOSi Protest at 15-17. The protester denies that it made "**any** mention of CENTRIXS-ISAF during its oral presentation" at all and denies that it referred even generally to CENTRIXS in its response to question 2.f. *Id.*

The agency insists that SOSi's oral presentation in response to question 2.f. "referenced its experience with CENTRIXS." SOSi COS/MOL at 9. According to the agency, although the evaluators "debated" whether SOSi referred to CENTRIXS generally or CENTRIXS-ISAF, the finding was justified regardless because "from the USCENTCOM perspective all variants of CENTRIXS are obsolete at USCENTCOM." *Id.* at 10.

Here, the agency made audio recordings of the offerors' oral presentations. The record demonstrates that the offerors, including SOSi, separated their oral presentation into sections by following the order of the multi-part questions as provided, noting which question was being addressed throughout. See, e.g., SOSi AR, Tab 12, SOSi Oral Presentation Audio Recording Part 2 at 33:53-38:21 (addressing question 2.f.).

The agency defends the evaluators' finding that SOSi referenced CENTRIXS in the firm's oral presentation in response to the specific question (2.f.) as well as to the relevant specific TOPR section (13.1.1.1.1.8) cited in the TET report. SOSi AR, Tab 93, TET Chair Decl. at 1-2 ("SOSi had referred to CENTRIXS a legacy network that had been decommissioned for over eight years, instead of demonstrat[ing] its capabilities with modern classified networks capable of hosting FMV in a tactical environment."); SOSi COS/MOL at 9-10.

The agency, however, does not cite to any part of the recording of SOSi's oral presentation to support the technical team's finding that "in its answer to question 2.f., SOSi had referred to its experience with CENTRIXS-ISAF." See SOSi AR, Tab 93, TET Chair Decl. at 1. During the protest, DIA does not contend that SOSi referred to CENTRIXS, generally, or CENTRIXS-ISAF, specifically, by name, nor does it explain what part of SOSi's presentation should be understood as such a reference. Our own review of the recording confirms SOSi's contention that it did not mention CENTRIXS. During its oral presentation SOSi noted that it would discuss question 2.f. before addressing FMV, but the recording does not include any reference to CENTRIXS, ISAF,

or Afghanistan during that discussion. SOSi AR, Tab 12, SOSi Oral Presentation Audio Recording Part 2 at 33:53-38:21 (addressing question 2.f.).

An agency that fails to provide documentary support for its evaluation of proposals or source selection decision bears the risk that its determinations will be considered unsupported, and absent such support, our Office may be unable to determine whether the agency had a reasonable basis for its determinations. *AT&T Corp.*, B-414886 *et al.*, Oct. 5, 2017, 2017 CPD ¶ 330 at 6. Here, the agency asks us to accept the decreased confidence finding for SOSi's oral presentation by simply referring to the evaluators' conclusion, yet offers nothing from the audio recordings of the offerors' oral presentations, the contemporaneous record, or otherwise to support that conclusion.<sup>7</sup> Our review of the contemporaneous record finds no support for the agency's conclusion that SOSi relied on an outdated system to explain its expertise in FMV. Consequently, we agree with the protester that the evaluation is not supported by the contemporaneous record. *The Mission Essential Grp., LLC*, B-421504.4, B-421504.5, Nov. 29, 2023, 2025 CPD ¶ 231 at 16-17 (finding that evaluation was unsupported where agency did not identify a basis in the record for its conclusions).

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<sup>7</sup> SOSi acknowledges that it made a single reference to CENTRIXS during its oral presentation, in response to a different question. SOSi Comments at 9. That is, question 2.h. directed offerors to address the following:

What is the vendor's approach to analyzing and addressing [information technology (IT)] issues specific to USCENTCOM J2 [Intelligence Directorate] specialty IT areas? How would the vendor identify, recommend, and implement mitigation strategies or resolutions for these issues? Additionally, what methods will the vendor use to ensure that solutions are aligned with USCENTCOM's mission requirements and technical needs?

AR, Tab 5, Oral Presentation Questions at 2. In response, SOSi invoked its "20 years of IT service expertise," noting that its "service delivery framework [would] help ensure the effective maintenance of collateral networks such as CENTRIXS" and others. SOSi AR, Tab 12, SOSi Oral Presentation Audio Recording Part 2 at 42:14-43:16 (addressing question 2.h.).

The intervenor insists that this supports the agency's evaluation. Intervenor Comments at 3-5. The agency, however, did not invoke this reference (or anything specific from the record) to support its evaluation. To the contrary, DIA claims--and the TET report reflects--that the evaluation finding was specific to (and allegedly supported by) SOSi's response to question 2.f (not 2.h) of the oral presentation. SOSi AR, Tab 93, TET Chair Decl. at 1-2; SOSi COS/MOL at 9-10. Nor do we necessarily understand how SOSi discussing its experience regarding IT issues, referring to CENTRIXS as a "collateral network," would support the agency's finding, even if that had been the basis identified in the TET and SSDD.

Competitive prejudice is an essential element of every viable protest. *MetroStar Sys., Inc.*, B-419890, B-419890.2, Sept. 13, 2021, 2021 CPD ¶ 324 at 9. Our Office will not sustain a protest unless the protester demonstrates a reasonable possibility that it was prejudiced by the agency's actions; that is, unless the protester demonstrates that, but for the agency's actions, it would have had a substantial chance of receiving the award. *Id.*; *AT&T Mobility LLC*, B-420494, May 10, 2022, 2022 CPD ¶ 115 at 12.

Here, in determining that GDIT had the highest technically evaluated proposal, DIA relied on--among other things--the understanding that there "were no notable aspects of [GDIT's] presentation that would lead one to have a decrease confidence in its ability to deliver on the contract." AR, Tab 60, Technical SSDD at 2. By contrast, the SSA concluded that "SOSi did speak to systems"--specifically CENTRIXS--a system "that USCENTCOM does not/no longer uses, decreasing confidence that SOSi will be able to deliver on the contract without a little Government intervention to provide training on the current systems USCENTCOM uses and ensure SOSi can use those systems." *Id.* at 3. Because we cannot find the agency's evaluation of decreased confidence to SOSi's proposal was reasonable, we cannot say what impact a reasonable evaluation would have made on the agency's identification of the highest technically evaluated proposal, in light of the fact that both GDIT and SOSi would have been assigned the same rating of "high confidence" with neither proposal having been assessed a "decreases confidence" finding. In such circumstances, we resolve doubts regarding prejudice in favor of a protester, as a reasonable possibility of prejudice is a sufficient basis for sustaining a protest. *Aluttiq-Banner Joint Venture*, B-412952 *et al.*, July 15, 2016, 2016 CPD ¶ 205 at 11. We therefore conclude that there is a reasonable possibility that SOSi was prejudiced by the agency's actions, and we sustain the protester's challenge to the agency's evaluation of the firm's proposal.<sup>8</sup>

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<sup>8</sup> In addition, SOSi contends that the agency's determination of which proposal was the highest technically evaluated "was unreasonable and unsupportable because the Agency did not follow the TOPR's weighting framework for the evaluation subfactors" and did not consider the relative merit of the substance of the competing proposals. SOSi Comments at 26-34. The agency defends that the SSA "reasonably accounted for the solicitation's evaluation criteria and the weight of each subfactor" and appropriately documented the comparison. SOSi COS/MOL at 14-21. Since we sustain the protest, and our recommendation below is for the agency to reevaluate proposals and make a new award determination, we need not address these arguments challenging the agency's evaluation of technical proposals. *Innovative Test Asset Sols., LLC*, B-411687, B-411687.2, Oct. 2, 2015, 2016 CPD ¶ 68 at 19 n.26. The agency, however, may want to consider this allegation when reevaluating proposals, consistent with our recommendation below.

## Upskilling the Incumbent Workforce

Amentum challenges DIA's evaluation findings regarding GDIT's and Amentum's proposals, as they relate to "upskilling" the incumbent workforce, meaning selecting only the most qualified incumbent personnel and improving their training and capabilities. See, e.g., AR, Tab 55, TET Report at 12 (finding for example, "a robust, multi-tiered proprietary training program designed to foster continuous upskilling of the existing contract workforce"). According to DIA, "the technical evaluation team found that GDIT merited three confidence increasers for aspects of its proposal that can generally be addressed as upskilling." See Amentum COS/MOL at 9. By contrast, when evaluating Amentum--the incumbent contractor for this requirement--both of the "confidence decreasers" were associated with a failure to address upskilling. *Id.* at 11-12. Amentum raises a variety of arguments to challenge these upskilling-related findings, asserting that they represent improper, and repeated, reliance on an unstated evaluation criterion and that they are the result of unfair unequal treatment of offerors. As discussed below, although we find that the multiple upskilling-related findings were justified and consistent with the solicitation's evaluation criteria, we sustain the protest allegation regarding the fairness of the agency's evaluation.

For the technical factor, the TOPR identified three multiple-part questions (e.g., 1.a. to 1.g) to be addressed at the oral presentation; each subpart asked the offerors to address a different element associated with their approach to the workforce's capabilities and ongoing education and training. AR, Tab 5, Oral Presentation Questions at 1. For example, question 1.a. was about the workforce's capabilities with research tools, and 1.e. asked whether the offeror had "a baseline training program for analysts incorporating critical thinking and structured analytic techniques." *Id.* Questions 3.a. to 3.e. were focused on management approach, including handling transition from an incumbent. *Id.* at 2-3.

The record reflects that the evaluators found the following three aspects of GDIT's proposal increased their confidence in the firm's approach: (1) "comprehensive approach to workforce development" that "fully addressed the government's lingering concerns about analytic skills in the existing workforce"; (2) a "rigorous pre-employment screening process" for incumbent capture; and (3) a transition plan that included "upskilling the existing workforce to more closely fit these hires to their respective requirements under the task order." AR, Tab 55, TET Report at 12-13. With respect to Amentum, the evaluators expressed concerns that neither the firm's proposed training approach nor its transition plan had any "mention of intent to upskill regarding the current incumbent workforce." *Id.* at 2-3. Amentum relies on a variety of arguments to attack the agency's positive assessments of GDIT's approach to--and the negative conclusions about Amentum perceived failure to address--upskilling of the workforce.

## Repeated Application of an Unstated Evaluation Criterion

Amentum first argues that the multiple findings for each offeror were unreasonable because the three increases in confidence for GDIT and two decreases in confidence

for Amentum represent “triple counting” workforce upskilling for GDIT and “double counting” it against Amentum. Amentum Comments at 28-33; 13. Relatedly, Amentum argues that even a single finding regarding upskilling would have been improper because addressing “concerns” about the capabilities of the “incumbent workforce” was not set forth as a basis for evaluation in the RTOP. *Id.* at 12-13, 33-35. DIA responds that its evaluation of the proposals was reasonably based on the terms of the solicitation. Amentum COS/MOL at 8-19.

Where a solicitation contains separate and independent technical evaluation factors encompassing separate subject areas, with each factor assigned separate weights under the solicitation’s stated evaluation scheme, an agency may not double count, triple count, or otherwise greatly exaggerate the importance of any one listed factor by repeatedly crediting or decrementing an offeror for a single benefit or drawback. *Arctic Slope Mission Servs., LLC*, B-410992.5, B-410992.6, Jan. 8, 2016, 2016 CPD ¶ 39 at 4. However, where the record shows that multiple strengths reasonably relate to the evaluation factors under which they were assigned, there is nothing inherently wrong with an agency assigning multiple strengths where the same advantage is relevant to multiple evaluation factors or considerations. *UNICCO Gov’t Servs., Inc.*, B-409111 *et al.*, Jan. 23, 2014, 2014 CPD ¶ 55 at 11 n.6 (an agency may properly consider an element of a proposal under more than one evaluation criterion where the element is relevant and reasonably related to each criterion under which it is considered).

Further, where a protester challenges the evaluation as unfairly utilizing unstated evaluation criteria, our Office will assess whether the solicitation reasonably informs offerors of the basis for the evaluation. *Raytheon Co.*, B-403110.3, Apr. 26, 2011, 2011 CPD ¶ 96 at 5. As a general matter, when evaluating proposals in a task order competition, 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. *M.A. Mortenson Co.*, B-413714, Dec. 9, 2016, 2016 CPD ¶ 361 at 5. While a solicitation must inform offerors of the basis for proposal evaluation by identifying the evaluation factors and their relative importance, a solicitation need not specifically identify each and every element an agency considers during an evaluation where such elements are intrinsic to, or reasonably subsumed within, the stated evaluation factors. FAR 16.505(b)(1)(iv)(C); *Horizon Indus., Ltd.*, B-416222, B-416222.2, July 11, 2018, 2018 CPD ¶ 235 at 6.

The solicitation provided that the government would evaluate the offeror’s “proposed approach, similar expertise, and substantial understanding of applicable PWS areas, as presented by the offeror’s response to the questions and scenario.” TOPR at 161. Further, the TOPR specified that the evaluators would be focused on evaluating understanding and depth of knowledge in providing intelligence support, including through any transition from the incumbent contractor. *Id.* at 161-63. Multiple subparts of question 1 and question 3 related to personnel qualifications and training. AR, Tab 5, Oral Presentation Questions at 1, 3. For example, question 1.d. asked offerors to address writing proficiency, including “training in advanced writing and briefing techniques” and question 3.a. asked about the strategy “to select candidates with the

necessary experience, technical qualifications, and security requirements to cover the breadth of ALL labor category requirements and missions.” *Id.*

The record reflects that the evaluators did not assign three positive findings to GDIT’s proposal for “upskilling” the incumbent workforce, in isolation. Instead, DIA’s confidence was increased by GDIT’s “comprehensive approach to workforce development” in response to various subparts of question 1, including how that program was “designed to foster continuous upskilling of the existing contract workforce.” AR, Tab 55, TET Report at 12. The second and third findings are associated with upskilling in reference to “pre-employment screening” and transition. *Id.* at 13. Similarly, Amentum’s two negative findings were not for “upskilling” generally, but for the lack of reference to “upskilling” related to the proposed training program and transition. *Id.* at 2-3. Because the record shows that the multiple findings reasonably relate to different elements of the evaluation, despite their common reference to “upskilling,” Amentum’s allegation that the agency improperly duplicated credit (and demerit) for a single feature is denied. *All Points Int’l Distributors, Inc.*, B-402993, B-402993.2, Sept. 3, 2010, 2010 CPD ¶ 209 at 5 (finding that an aspect of an offeror’s proposal could reasonably be evaluated under multiple evaluation criteria).

Amentum also argues that the agency evaluated proposals against an unstated evaluation criterion of upskilling to address concerns with the existing workforce. Amentum Comments at 12-13, 33-35. For similar reasons, we find unavailing Amentum’s allegations that the agency relied on an unstated evaluation criterion. That is, Amentum’s argument again ignores the explicit context for the evaluation findings: the adequacy of training and workforce development, recruiting and hiring, and transition approach. AR, Tab 55, TET Report at 2-3, 12-13. Amentum does not argue that the adequacy of training and workforce development, recruiting and hiring, and transition approach were unstated evaluation criteria. Nor could the protester reasonably make such an argument in light of the plain terms of the solicitation regarding the work required under this PWS. See *ASFA Int’l Constr., Inc.*, B-422594, Aug. 13, 2024, 2024 CPD ¶ 192 at 6 (rejecting protester’s assertion of unstated evaluation criteria that “ignore[d] the plain language of the solicitation” establishing the relevance of the agency’s considerations).

Agencies may properly evaluate a proposal based on considerations not expressly stated in the solicitation where those considerations are reasonably and logically encompassed within the stated evaluation criteria and where there is a clear nexus between the stated and unstated criteria. *Exelis Sys. Corp.*, B-407111 *et al.*, Nov. 13, 2012, 2012 CPD ¶ 340 at 18. Although the protester contests that there is any “nexus” between the expressly stated evaluation criteria and “upskilling” of the incumbent workforce, the protester offers only its dispute of any connection without explanation. Amentum Comments at 35. In light of the requirements, we conclude that the agency reasonably considered the capacity for upskilling to be logically encompassed under the express requirements of the technical evaluation factor. See *Pond Constructors, Inc.*, B-418403, Mar. 23, 2020, 2020 CPD ¶ 129 at 5 (denying allegation of unstated evaluation criteria where solicitation reflected that agency would evaluate offerors

against PWS requirements, and agency's consideration was related to how offeror would accomplish those requirements). Accordingly, the allegation that the upskilling-related evaluation conclusions are inconsistent with the basis for evaluation set forth in the solicitation is denied.

#### Unfair Evaluation

Alternatively, Amentum argues that the differing evaluations of GDIT's proposal and Amentum's proposal regarding upskilling is attributable to "a systematically unfair evaluation" that subjected the protester to more scrutiny than GDIT or another other offeror. Amentum Comments at 14-20. Indeed, Amentum argues that, if anything, its proposal went into more detail than GDIT's regarding upskilling in the contexts discussed above. See, e.g., Amentum Supp. Protest at 8-20 (arguing that only GDIT was improperly and unfairly credited for upskilling in recruiting and hiring when Amentum's approach had "far more detail" and was "arguably superior to" and "more rigorous than" GDIT's). According to the agency, because Amentum cannot establish that every element of its proposal under [DELETED], [DELETED], and [DELETED] were identical to GDIT's, Amentum cannot establish any unreasonable agency action. Amentum COS/MOL at 19-24.

It is a fundamental principle of federal procurement law that a contracting agency must treat all offerors equally and evaluate their proposals evenhandedly against the solicitation's requirements and evaluation criteria. *Will Tech., Inc.; Paragon TEC, Inc.*, B-413139.4 *et al.*, June 11, 2018, 2018 CPD ¶ 209 at 11; *Cubic Applications, Inc.*, B-411305, B-411305.2, July 9, 2015, 2015 CPD ¶ 218 at 7. Further, where an agency treats offerors unequally by, for example, reading some offerors' proposals in an expansive manner and resolving doubt in favor of the offeror, while reading other offerors' proposals narrowly and applying a more exacting standard that requires affirmative representations within the four corners of the proposal, we have found such evaluations to involve disparate treatment. *Arctic Slope Mission Servs., LLC, supra* at 7; *Lockheed Martin Info. Sys.*, B-292836 *et al.*, Dec. 18, 2003, 2003 CPD ¶ 230 at 11-12.

Here, we agree with Amentum that the agency's distinctions between the offerors' proposals based on anticipated upskilling potential is not supported by the contemporaneous record. For example, the evaluators found that GDIT's proposal would support upskilling through its "comprehensive approach to workforce development" with "a robust, [DELETED] program" and "[DELETED] that ensure analysts, planners, and collectors maintain the highest levels of proficiency and relevance in their respective fields." AR, Tab 55, TET Report at 12. By contrast, the evaluators found fault in Amentum's approach to the "training programs for all-source analysts, and other specialties required under the task order" for failing to specifically invoke upskilling. *Id.* at 2-3.

The contemporaneous record, however, demonstrates that GDIT and Amentum both proposed comprehensive approaches to workforce development with [DELETED] and

[DELETED]. See, e.g., AR, Tab 17, GDIT Oral Presentation Audio Recording Part 1 at 7:47-11:58; AR, Tab 8, Amentum Oral Presentation Audio Recording Part 1 at 2:43-6:11. Indeed, contrary to the agency's evaluation finding, Amentum specifically invoked "upskilling" in connection with its [DELETED]. AR, Tab 8, Amentum Oral Presentation Audio Recording Part 1 at 3:55-4:26.

In responding to the protest, DIA now asserts that the agency "is not confident that, without continuous training, an offeror can ensure that its cleared and experienced personnel remain qualified to meet" requirements for personnel that are new to this task order and more extensive than the incumbent work.<sup>9</sup> Amentum COS/MOL at 17-18. Although the agency attempts to identify other distinctions between GDIT's proposal and Amentum's proposal from the oral presentation transcripts, DIA's explanation for the difference in training programs is limited to reiterating the bare conclusions from the evaluation record. *Id.* at 20.

On this record, we are unable to determine whether the agency's different evaluation conclusions were in fact the result of differences in the proposals or instead resulted from different approaches to the evaluation of proposals, overall. To the contrary, the agency's decision to award GDIT an increase in confidence and Amentum a decrease in confidence for training, supports the protester's contention that DIA established a different and higher standard of review to evaluate Amentum's proposal, which amounted to an unequal evaluation. *Lockheed Martin Info. Sys., supra* at 4 (sustaining protest alleging disparate treatment, where agency "tend[ed] in general to apply a stricter standard in its evaluation of [the protester's] proposal as compared to the [awardee's] proposal.")

The intervenor urges us to deny Amentum's challenges to the evaluation based on the competitive positions of the offerors. According to GDIT, "Amentum's interested party status to raise all its allegations is precarious," because the protester cannot demonstrate competitive prejudice. Intervenor Comments at 3-4. In GDIT's view, based on the differences in the evaluation results between GDIT (which was identified as highest technically rated) and Amentum (which received only a "some confidence"

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<sup>9</sup> The protester contests whether the requirements for personnel were in fact changed in this PWS as compared to the incumbent requirements, averring that DIA "never actually identifies what these upgraded personnel requirements are." Amentum Comments at 11 n.8. We need not resolve whether the requirements of this PWS are different than those of the predecessor efforts to resolve this protest because the parties agree on the proposed approach to meeting the requirements. That is, all parties acknowledge that maintaining (and training) a significant portion of the incumbent workforce will be essential to performance. See, e.g., Amentum COS/MOL at 18 ("Since the cleared and experienced workforce is [DELETED], the new contractor will need to train the current workforce to meet these new requirements."); Intervenor Comments at 6 ("GDIT [DELETED] and upskill[] the existing workforce to more closely fit these hires to their respective requirements under the task order.").

rating, “once it is established that DIA reasonably assigned Amentum’s proposal even one confidence decreaser--which is the case--Amentum cannot demonstrate that any other alleged error was prejudicial.” *Id.*

We reject this argument because Amentum’s protest allegations go directly to the agency’s basis for reaching those evaluative findings that resulted in the relative competitive position of the offerors. Specifically, the SSA relied on the three positive findings about GDIT’s proposal--including specifically how they would support “upskilling current and future workforce” during transition and beyond--to conclude that GDIT was superior to Amentum. AR, Tab 60, Technical SSDD at 2. In addition, the SSA agreed with the technical evaluation of the Amentum proposal, with the “main driver” of that agreement being the understanding that Amentum’s proposal did not address how its analysts would be selected and trained for increasing challenges. *Id.* at 4. Thus, because we find that we cannot determine that these areas of the agency’s evaluation were reasonable, and because the record does not show how a proper evaluation would have affected the identification of the highest technically evaluated proposal, we conclude that the protester was prejudiced by the agency’s evaluation. See *Solers Inc.*, B-409079, B-409079.2, Jan. 27, 2014, 2014 CPD ¶ 74 at 12.

## RECOMMENDATION

We recommend that the agency reevaluate proposals in accordance with the solicitation and make a new source selection determination based on that reevaluation, adequately documenting the reevaluation and selection decision. In the event the reevaluation results in the selection of an offeror other than GDIT, we recommend that the agency terminate the order issued to GDIT for the convenience of the government. We also recommend that Amentum and SOSI be reimbursed for the costs of filing and pursuing their protests, including reasonable attorneys’ fees. 4 C.F.R. § 21.8(d). Amentum and SOSI should submit their certified claims for costs, detailing the time expended and costs incurred, directly to the contracting agency within 60 days after receipt of this decision. 4 C.F.R. § 21.8(f)(1).

The protests are sustained.

Edda Emmanuelli Perez  
General Counsel