



Decision

Matter of: Davos Francois

File: B-424592

Date: August 17, 2026

Davos Francois, for the protester.

Tudo Pham, Esq., Department of State, for the agency.

Todd C. Culliton, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Allegation that the agency should incorporate more restrictive qualifications is denied because GAO's statutory purpose is to ensure full and open competition, and our Office will not sustain a protest that would run counter to this purpose.
 2. Allegation that the agency unreasonably failed to incorporate a preference for Haitian Creole language proficiency skills into the evaluation criteria is denied where the agency demonstrated that it did not require such skill for the position advertised.
 3. Protest alleging that agency officials have conspired to rig the procurement to make award to a particular individual is denied where the protester failed to provide clear and convincing evidence in support of its allegations of agency bias and bad faith.
 4. Allegation that the scope of corrective action was unreasonable is denied where the record shows the corrective action was reasonably related to the flaw which the agency believes exists in the procurement.
-

DECISION

Davos Francois, of Miramar, Florida, protests the terms of solicitation No. PSC-26-034-INL, issued by the Department of State for a senior police advisor in Haiti. Davos Francois argues that the Department of State unreasonably removed experience and language requirements from the solicitation and has conducted the procurement in bad faith.

We deny the protest.

BACKGROUND

On February 27, 2026, the agency issued a solicitation (No. PSC-26-012-INL) to employ a senior police advisor in Port-au-Prince, Haiti. *Davos Francois*, B-424438.2, June 15, 2026, at 1 (unpublished decision).¹ Mr. Francois and other individuals submitted proposals in response thereto. *Id.* at 1-2. The agency selected another candidate for award, and Mr. Francois protested that award to our Office. *Id.* at 2-3. The agency elected to take corrective action and stated that it would terminate the award, review its requirement, amend the solicitation to reflect its needs more accurately, solicit revised proposals, conduct a new evaluation, and make a new selection decision. *Id.* at 3. On May 26, our Office dismissed that protest as academic. *Davos Francois*, B-424438, May 26, 2026, at 1 (unpublished decision).²

On June 16, the agency issued the solicitation at-issue in this protest (*i.e.*, Solicitation No. PSC-26-034-INL). Agency Report (AR), Tab 5, Solicitation at 1.³ The solicitation seeks a personal services contractor to serve as a senior police advisor at the United States Embassy, Port-au-Prince, Haiti. *Id.* at 5-6, 8. The senior police advisor will perform a broad array of assignments related to improving citizen safety, law enforcement, rule of law, and counternarcotics programs in Haiti. *Id.* at 9. Some specific duties include serving as a senior security and law enforcement policy and capability building advisor to the Bureau for International Narcotics and Law Enforcement Affairs (INL) director in Haiti; advising and assisting in police reform programs; representing the INL in official functions; and, advising the Haitian National Police (HNP) on strategic planning and other reforms. *Id.* at 6.

The solicitation contemplated the award of one or more personal services contracts to be performed over a 12-month base period and four 1-year option periods with a salary

¹ The agency has statutory authority to contract directly with individuals for personal services abroad pursuant to 22 U.S.C. § 2396. Memorandum of Law (MOL) at 2.

State explains it issued this solicitation under a class deviation for Federal Acquisition Regulation (FAR) part 37, which implements model text from the Revolutionary FAR Overhaul (RFO). MOL at 2; AR, Tab 6, Agency Class Deviation for FAR Part 37 at 1.

² In B-424438, *Davos Francois* was represented by legal counsel, and did not file any objection to the agency's dismissal request. Following issuance of that decision, *Davos Francois* filed a second protest and proceeded *pro se*. The second protest repeated allegations that the agency unreasonably evaluated the original awardee's proposal, did not evaluate proposals in good faith, failed to provide him with a debriefing, and that some agency evaluators had a conflict of interest. *Davos Francois*, B-424438.2, June 15, 2026, at 3. Prior to submitting its report, the agency requested dismissal of the allegations as either academic, premature, or lacking a valid basis. After reviewing the allegations, our Office agreed with the agency and dismissed the protest.

³ All citations to the agency report use the Adobe PDF page numbers.

between \$126,384 and \$164,301. Solicitation at 3, 9, 11. The solicitation set forth several minimum qualifications, including, as relevant here, an educational and professional experience requirement, which provided as follows:

MINIMUM QUALIFICATIONS

[. . .]

2. Bachelor's degree from an accredited institution; AND
 - a. A minimum of fifteen (15) years of experience as a sworn law enforcement officer with a minimum of five (5) years of progressive supervisory responsibility managing law enforcement operations and personnel; OR
 - b. A minimum of fifteen (15) years of experience in the fields of military, policing, security, and/or counternarcotics with a minimum of (5) years of supervisory responsibility managing security operations, budgets, logistics, and personnel.

Id. at 9.

The solicitation instructs candidates to provide the following materials in their proposals: a completed Standard Form 171, Application for Federal Employment; a resume demonstrating that the candidate meets the experience requirements; evaluation factor responses; and three professional references. Solicitation at 3-4.

The solicitation contemplates a multi-step evaluation process. For candidates clearly meeting the education and professional experience requirement, the agency will evaluate their proposals against three evaluation factors, which include work experience, suitability for Haitian context, and management and communication experience. Solicitation at 10. As relevant here, the suitability for Haitian context evaluation factor will examine the following:

Demonstrated understanding of the Haitian context; experience coordinating with senior foreign police and/or military in the United States or abroad; experience working in conflict zones or on conflict issues.

Id. at 10. Each candidate can score up to 25 points in both the work experience and suitability for Haitian context factors. *Id.* at 10. For the management and communication experience factor, a candidate can score up to 20 points. *Id.* After an evaluation under the three factors, the agency may invite the most qualified candidates for an interview for which a candidate can score up to 30 points. The agency will then use each candidate's total score to rank and compare them for selection. *Id.* at 10-11. Prior to the close of the solicitation, Davos Francois filed this protest with our Office.

DISCUSSION

Davos Francois raises multiple allegations challenging the solicitation's terms and the conduct of the acquisition. Principally, Davos Francois contends that the solicitation unreasonably permits the professional experience requirement to be satisfied through military experience, as opposed to law enforcement experience only. Protest at 3-4. Davos Francois also complains that the suitability for Haitian context evaluation factor unreasonably fails to contemplate awarding points based on each candidate's proficiency with the Haitian Creole language. *Id.* at 5-7. Additionally, Davos Francois argues that the agency issued the new solicitation in bad faith because the agency (and more specifically the INL director in Haiti) added the military experience pathway to the minimum requirements and removed the Creole language preference from the suitability for Haitian context in order to ensure that a specific candidate is competitive or otherwise selected for award. *Id.* at 8-13.⁴ The protester also argues that the agency unreasonably implemented corrective action because the actions undertaken do not provide genuine remedies for his initial protest allegations. 4th Supp. Protest at 2.

We have reviewed all Davos Francois' allegations and find that none provide us with a basis to sustain the protest. We discuss the principal allegations and arguments below. To the extent we do not discuss a particular allegation or argument, it is denied.

Minimum Qualifications

Davos Francois contends that the minimum qualifications term unreasonably permits a candidate to meet the professional experience requirement by demonstrating 15 years of prior military, security, policing, and/or counternarcotics experience. Chiefly, Davos Francois argues that such experience does not demonstrate suitability for the position because the solicited position advises a civilian police force. Alternatively, Davos Francois argues that the military experience term is undefined because it permits candidates with a range of experiences (military, policing, security, and/or counternarcotics) to meet the minimum qualifications.

State responds that it reasonably expanded the minimum qualifications to include military experience. MOL at 5-6. Indeed, the agency determined that experience working as a military officer, as well as leadership experience overseeing military police

⁴ Davos Francois also argued that State improperly failed to deactivate the solicitation from the System for Award Management after it filed its protest, arguing that the automatic stay of the agency's acquisition activities was triggered pursuant to 31 U.S.C. § 3553. *Id.* GAO does not administer any statutory stay that may be triggered by a protest filed with our Office, but the protester is mistaken in any event. That provision prohibits the agency from awarding a contract or authorizing a contractor to proceed with performance in the event that certain procedural and timing requirements are satisfied, 31 U.S.C. § 3553(c), (d), but does not prohibit an agency from accepting proposals.

programs, would have comparable experience to experience working as in civilian law enforcement since both positions have similar duties and responsibilities. *Id.* at 8. State also argues that expanding the minimum qualifications requirement broadens rather than narrows the amount of competition, which is inconsistent with GAO's mandate. *Id.* at 8.

We dismiss this argument because our Office does not consider an allegation that an agency should adopt more restrictive specifications. *SAFE Export Corp.*, B-209391, B-209392, Dec. 20, 1982, at 1. Since the objective of our bid protest function is to ensure full and open competition for government contracts, our Office generally will not review a protest that has the explicit or implicit purpose of reducing competition; a protester's presumable interest as the beneficiary of a more restrictive specification is not protectable under our bid protest function. *Ingersoll-Rand Co.*, B-224706, B-224849, Dec. 22, 1986, at 4.

Here, the allegation advances an argument that State should adopt a more restrictive set of minimum qualifications than those in the current solicitation to meet his perception that a candidate with military experience lacks the skills necessary to serve as a senior police advisor. This allegation effectively would prevent other candidates from competing for this position and is fundamentally inconsistent with this forum's purpose.

Even if we were to consider this allegation, we would not find any basis to object to the term. Government procurement officials who are familiar with the conditions under which services have been used in the past, and how they are to be used in the future, are generally in the best position to know the government's actual needs, and therefore, are best able to draft appropriate specifications. *MAXIMUS Fed. Servs.*, B-422676, Sept. 16, 2024, at 13. As a result, our Office will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. *Id.*

The agency has reasonably demonstrated that military experience was an appropriate minimum qualification. As part of its report, the agency submitted a declaration from the INL Haiti Director explaining that this particular mission includes providing military style support to the HNP. AR, Tab 3, Decl. of INL Haiti Director at 1-2. The INL Haiti Director explains that Haiti has a security problem with designated terrorist organizations and military-nature insurgents, as opposed to general gang and criminal activity. *Id.* at 1. To this end, the INL Haiti Director explains that Haiti's newly designed Gang Suppression Force is largely comprised of military force personnel. *Id.* Similarly, the INL Haiti Director states that the agency and Haiti have recently redesigned the curriculum at the police academy to include shorter courses with more focus on "military tactical and delivery of lethal force." *Id.* Thus, we find no basis to object to State's determination of its minimum need because a candidate with a military background will

be an asset for providing military advice and implementing military training to combat insurgents.⁵

We are not persuaded by the protester's argument that military experience is not suitable for this position because the solicitation's statement of work (SOW) does not include any military advisory duties. The SOW states that the selected candidate will "advise on [Haitian National Police] leadership and issues related to law enforcement agencies and the U.S. military with a focus on streamlining coordination and avoiding duplication." Solicitation at 6. Similarly, the SOW explains that the selected candidate will provide support to the "HNP school, cadet classes, and supervisory training at all levels," which, as noted above, has recently incorporated more military style training. *Id.* Accordingly, we would deny this allegation on the merits because the record shows that military experience was reasonably related to the duties to be performed by the selected candidate.⁶

As to Davos Francois' alternate argument (*i.e.*, that the minimum qualifications term is undefined or vague), we are likewise unpersuaded. As a general rule, a solicitation must be drafted so that offerors may intelligently prepare their proposals and must be sufficiently free from ambiguities so that offerors may compete on a common basis. *American Eagle Protection Servs. Corp.*, B-422346, May 7, 2024, at 3.

We see nothing vague or undefined about the minimum qualifications term. As noted above, the challenged term provides as follows:

⁵ Davos Francois provides several solicitations where the agency has solicited for a senior police advisor stationed at other embassies and argues that none of them permit a candidate to satisfy the minimum qualifications through military experience. See 3rd Supp. Protest at 1-2. However, agency actions taken in a related procurement are immaterial to the challenges raised in other individual protests since each procurement stands on its own and an agency's actions during one acquisition have no bearing on its actions in another acquisition. *Oready, LLC*, B-423758, Dec. 8, 2025, at 2 n.2. In any event, the agency explains that Haiti is one of only two countries where it provides "lethal assistance" due to the "dynamics on the ground fighting designated terrorists"; thus, the agency has reasonably distinguished its needs in Haiti versus its needs in other countries. AR, Tab 3, Decl. of INL Haiti Director at 1-2.

⁶ The protester's position that the agency's minimum needs are satisfied only by a candidate with law enforcement experience because that is how the original solicitation was drafted is without merit. Agencies have the discretion to amend specifications to reflect their determination of how best to meet their minimum needs and are entitled to use relaxed specifications they reasonably conclude will satisfy their needs, in order to obtain competition. *Trimble Navigation, Ltd.*, B-247913, July 13, 1992, at 5. Here, the contracting officer explains that the agency took corrective action because she "acknowledged a need to correct the solicitation[.]" COS at 2.

A minimum of fifteen (15) years of experience in the fields of military, policing, security, and/or counternarcotics with a minimum of (5) years of supervisory responsibility managing security operations, budgets, logistics, and personnel.

Solicitation at 9. In our view, this term plainly provides that a candidate can satisfy the professional experience requirement by demonstrating 15 years of experience in the fields of military, policing, security, and/or counternarcotics. While Davos Francois argues that the terms are undefined because playing music in the “military band” would qualify, the argument does not demonstrate that the terms are confusing or prevent offerors from competing intelligibly; to the contrary, it only shows that the agency elected to have relaxed specifications in order to promote competition, which is unequivocally permissible.⁷ See 2nd Supp. Protest at 6.

Removal of Haitian Creole Language Evaluation Term

Next, Davos Francois contends that the agency unreasonably removed proficiency in the Haitian Creole language as part of the Suitability for Haitian Context evaluation factor. Protest at 5. Davos Francois argues that the amended term is unreasonable because prior solicitations have incorporated French or Haitian Creole language skills as mandatory qualifications, and these language skills are essential to performing the senior police advisor duties since members of the HNP do not speak English. *Id.* at 5-6.

The agency responds that it removed the language skills from the evaluation factor because it determined that proficiency in Haitian Creole will not impact the senior police advisor’s ability to perform. MOL at 10-11. The agency explains that “[t]he Senior Police Advisor serves as a senior security and law enforcement policy and capability building advisor to the INL Director, and through the Director to the Chief Mission, Deputy Chief of Mission, and other principal Country Team members,” and that “[a]ll of the personnel in these positions speak English.” *Id.*

As background, the prior solicitation contained the following text for the Suitability for Haitian Context evaluation factor:

Factor 2: Suitability for Haitian Context (25 points)
Demonstrated understanding of the Haitian context; experience coordinating with senior foreign police and/or military in the United States or abroad; experience working in conflict zones or on conflict issues; Creole language skills are preferred.

⁷ Davos Francois also argues that the terms violate applicable federal procurement regulations requiring the agency to procure goods based on merit, superior ability, and through fair opportunity because the qualification standard is undefined. 2nd Supp. Protest 6 (citing RFO §§ 1.102(a)(2), (4), (5)). This allegation is unpersuasive because, contrary to the argument, the solicitation term is clear and unambiguous.

AR, Tab 4, RFP No. PSC-26-012-INL, at 10. The current solicitation's evaluation factor provides as follows:

Factor 2: Suitability for Haitian Context (25 points)

Demonstrated understanding of the Haitian context; experience coordinating with senior foreign police and/or military in the United States or abroad; experience working in conflict zones or on conflict issues.

RFP at 10. In other words, the current solicitation retained most of the text, but removed "Creole language skills are preferred," such that a candidate will no longer receive credit for demonstrating that proficiency.

The determination of an agency's needs, including the selection of evaluation criteria, is primarily within the agency's broad discretion, and we will not object to the use of a particular evaluation criterion so long as it reasonably relates to the agency's needs in choosing a contractor that will best serve the government's interests. *Financial Asset Mgmt. Sys., Inc.*, B-409722.9, Apr. 24, 2015, at 4; see also RFO 15.104(b) ("The evaluation factors and significant subfactors that apply to an acquisition and their relative importance are within the broad discretion of agency acquisition officials," subject to requirements to consider price or cost, quality of performance, and past performance).⁸ Moreover, neither the fact that it may be difficult for a protester to compete under an evaluation factor nor a protester's disagreement with the agency's evaluation scheme demonstrates that it is not reasonably related to the agency's needs. *Financial Asset Mgmt. Sys., Inc.*, *supra*.

The agency has demonstrated that the absence of any Haitian Creole language preference component of the evaluation factor is reasonable because such language skills are not necessary. The record shows that State examined the duties of the senior police advisor and determined that "everyone that the Senior Police Advisor advises speaks English (including the higher level host nation officials who this contractor will have some contact with)[.]" AR, Tab 3, Decl. of INL Haiti Director at 2. Additionally, the agency explains that, in the event the Senior Police Advisor needs to speak with someone in Haitian Creole, translators will be available to assist. COS at 3. Since the agency experts have demonstrated that senior police advisor need not be proficient in Haitian Creole to perform his duties, we have no basis to object to the evaluation factor.

⁸ The agency issued a class deviation implementing RFO part 15, and directing agency officials to use those regulations effective February 27, 2026. Department of State, Class Deviation for FAR Part 15, Acquisition Alert No. 26-12, *available at* https://www.acquisition.gov/sites/default/files/page_file_uploads/DOS_RFO_Deviation_Part-15.pdf.

Although the protester may contest the agency's judgment because he alleges that the current HNP Director General does not speak English, that the police academy courses are conducted in French and Haitian Creole, and that his experience with other HNP leadership indicates that they do not speak English, we note that the agency, not Davos Francois, is in the best position of determining its needs. *MAXIMUS Fed. Servs., supra*. In any event, even if Davos Francois' allegations are, in fact, accurate, the agency explains that those interactions would arise under the senior police advisor's secondary duties, and that translators would be available to assist, which would obviate the need for Haitian Creole proficiency. Accordingly, we deny the protest allegation.⁹

Significantly, the agency also explains that removing the Haitian Creole language preference increases the amount of competition that it expects to receive for this position. The INL Haiti Director explains that this was done to "counter a trend [he] saw in Haitian programming across the mission: a small group of Haitian Creole speaking individuals were the only people who could access the positions in the mission because almost every position was unnecessarily marked with a Creole language preference or requirement." AR, Tab 3, Decl. of INL Haiti Director at 3. The INL Haiti Director further states that the change will increase the recruiting pool and build a strong, more diverse, and more sustainable program. *Id.* Thus, even if we were persuaded that the senior police advisor needed to speak Haitian Creole as part of his primary duties, we would not sustain this allegation since the agency demonstrates that the effect of that determination would be to reduce competition.¹⁰ *Ingersoll-Rand Co., supra*.

⁹ The protester argues that our decision in *Owl Int'l Inc., d/b/a Global, a 1st Flagship Co.*, B-423281.4, Apr. 24, 2026, stands for the proposition that an agency must restore a solicitation to its original terms when an amendment materially impacts a protester's competitive position. In *Owl Int'l*, our Office determined that an agency reasonably amended a solicitation to remove FAR provision 52.222-46, but unreasonably failed to permit offerors to then submit revised technical proposals because the record demonstrated that the inclusion of that provision reasonably affected how those offerors had developed their initial technical proposals. *Owl Int'l Inc., supra* at 4-10. Thus, *Owl Int'l* does not stand for the proposition for which it is cited.

¹⁰ Davos Francois argues that competition would still be robust because there are between 1 and 1.5 million Americans of Haitian descent, and therefore, the pool of Haitian Americans with sworn law enforcement experience and Haitian Creole proficiency is not a "small group." Comments at 6. This argument is unpersuasive because the fact of the matter is the underlying animus and desired effect of the protester's argument is to narrow the field of competitors, while the agency's term would open competition to all Americans with qualifying experience. To the extent Davos Francois argues that removing the language preference term eliminates his "decisive scoring advantage," that argument is of no moment. See Protest at 7. The fact that the terms of an evaluation criterion may make the competition more difficult for a particular offeror does not demonstrate that the evaluation factor is not reasonably related to the agency's needs. *Financial Asset Mgmt. Sys., Inc., supra*.

Bad Faith

Davos Francois argues that the agency issued the new solicitation in bad faith. The protester contends that the INL Haiti Director and other agency employees pre-selected another candidate for award (*i.e.*, the original awardee). Protest at 8. He further contends that State unreasonably selected the original awardee and that, after being confronted by his allegations that the original awardee was ineligible for award, State issued this solicitation with qualifications designed to allow the original awardee to qualify and removed the terms that would have given Davos Francois a competitive advantage. *Id.* As support, Davos Francois cites several acts of alleged bad faith, including, as examples, an “audio recording reporting the position was opened for the awardee,” evidence that an agency employee promoted the solicitation through LinkedIn, and the tailoring of the solicitation to negate Davos Francois’ advantages. *Id.* at 10-13.

The agency responds that each alleged bad act fails to demonstrate convincing proof of bad faith. MOL at 12-13. State argues that the protester never submitted the “audio recording” where the INL Haiti Director allegedly stated that the position was opened for a specific individual, and that the agency has provided a declaration from the INL Haiti Director that he never made such statement. *Id.* at 12. State also explains that an agency employee publicizing the solicitation is simply an effort to increase competition. *Id.* at 13.

As additional background, in an earlier protest attempting to challenge the agency’s initial award, Davos Francois provided a transcript of a telephone call between him and another person, who Davos Francois characterizes as having “direct knowledge of INL Haiti operations.” Protest, B-424438.2, at 31. During the phone call, Davos Francois states the following exchange occurred:

[00:00.0 - 00:06.0] Hello, dear [individual not identified]. How you doing, my brother?

[00:06.0 - 00:11.0] Okay, I’m just arriving right now to the embassy. I’m parking.

[00:11.0 - 00:17.0] Well, yesterday afternoon, somebody told me...

[00:17.0 - 00:26.0] Somebody came to us and told us that he is leaving.

[00:26.0 - 00:35.0] Guess who? Your brother [the original awardee] is leaving and he is going to Haiti.

[00:35.0 - 00:44.0] He got a position in Haiti that [the INL Haiti Director] opened just for him.

[00:44.0 - 00:50.0] Because they were asking for [the original awardee's] advice in Haiti, blah, blah, blah.

[00:50.0 - 01:00.0] And here, the new deputy, [information not provided], that is the deputy, the late deputy.

[01:00.0 - 01:06.0] They were saying, "[information not provided], [information not provided], you have to stay here. You cannot be in Haiti," blah, blah, blah.

[01:06.0 - 01:12.0] And then [the INL Haiti Director], he talked with [the original awardee] and they opened a position for him.

[01:12.0 - 01:17.0] And he applied and he just got the position and he is leaving.

[01:17.0 - 01:27.0] So, please, please apply to that position, [information not provided]. You should come here.

[01:27.0 - 01:35.0] Do you imagine you here with your family, the life you have here in [information not provided]?

[01:35.0 - 01:40.0] [The original awardee] is not here. Man, that's the position.

[01:41.0 - 01:46.0] If you apply, I will talk here with everybody and say, you should bring [information not provided] here.

[01:46.0 - 01:51.0] He already works here. He knows the program. He knows everything.

Protest, B-424438.2, exh. 9 at 2-3.¹¹ Davos Francois never submitted a copy of the actual audio record or a signed declaration from the other person alleged to be on the call.

Davos Francois also provided two letters from the Department of State addressed to a member of Congress, which allegedly contain false statements. Both letters contained the following statement, which Davos Francois alleges to be false:

During an open solicitation, interested candidates are encouraged to contact INL's procurement office with any questions, as listed in the

¹¹ In B-424438.2, Davos Francois divided his protest exhibits into four Adobe PDF files. When citing to specific exhibits, GAO uses the Adobe PDF page number for each file, which contains the relevant document.

solicitation. However, Mr. Francois did not contact the procurement office regarding allegations included in your letter before the solicitation's closing date. If contacted at that time, the Department would have been able to respond to his questions and provide resolution, if warranted. Mr. Francois subsequently initiated a protest against the Department regarding the selection of another candidate. INL's procurement office is working with the Department's Office of the Legal Advisor to examine the matter as quickly as possible.

Protest, B-424438.2, exh. 7, at 9; Protest, B-424438.2, exh. 20, at 28. Davos Francois argues that these statements are false because he inquired about the status of any award made on April 11, prior to the agency's initial award, and then also submitted debriefing requests to the agency. Protest, B-424438.2, at 31.

Additionally, Davos Francois explains that a particular agency official (Agency Official A), who served on the original evaluation panel, publicly advertised the solicitation on LinkedIn. Protest at 11; see Protest, exh. I, Agency Official A LinkedIn Posting at 1. According to Davos Francois, "[a] panel member does not publicly recruit applicants for a solicitation he helped engineer unless the outcome is predetermined." *Id.*

Agency officials are presumed to act in good faith, and allegations of bias or bad faith must be supported by convincing proof, beyond mere inference and innuendo. *Mission Analytics, LLC--Recon.*, B-423980.5, B-423980.6, May 21, 2026, at 7; see also *Galen Med. Assocs. v. United States*, 369 F.3d 1324, 1330 (Fed. Cir. 2004) ("Moreover, when a bidder alleges bad faith, 'in order to overcome the presumption of good faith [on behalf of the government], the proof must be almost irrefragable.'") (*quoting Information Tech. and Applications Corp. v. United States*, 316 F.3d 1312, 1323 n.2 (Fed. Cir. Jan. 10, 2003)); *W.M. Grace, Inc.*, P-201248, Feb. 10, 1981, at 2 (explaining that to support a finding of bad faith on behalf of government officials, the record must show "well-nigh irrefragable proof").

On this record, we are not persuaded that the record contains any evidence of bad faith. First, the purported transcript of an alleged "audio recording" that the protester never submits in support of its protest, does not demonstrate clear and convincing evidence because it is of dubious value. The purported transcript shows a conversation between Davos Francois and another speaker, where the other speaker explains that his perception of events is that the INL Haiti Director rigged the procurement for another individual. Significantly, this purported transcript is not supported by a declaration from the unidentified speaker with appropriate details, which would indicate that the transcript is anything other than a fictional collection of self-serving statements. Furthermore, this transcript is directly contradicted by a sworn statement from the INL Haiti Director, which states, in no uncertain terms, the following:

While I can seek the position to be filled, as Director, I receive the contractor after this lengthy and detailed process is complete. Solicitation-PSC-26-034-INL followed all policies and procedures directed by the

contracting officer. *I have never, nor have I ever said that I was opening this position for any one specific individual.* When a solicitation is released for worldwide full and open competition it is not only impossible, but quite illogical and without reason to assert that one could feasibly open a position for a particular individual. Open competition, by definition, is the exact opposite of the assertion of opening a position for one specific individual.

AR, Tab 3, Decl. of INL Haiti Director at 2 (emphasis added). Thus, we do not view the purported transcript of an alleged “audio recording” as demonstrating well-nigh irrefragable proof of bad faith because it amounts to nothing more than a collection of unsworn self-serving statements, which is directly contradicted by a sworn statement from the INL Haiti Director.¹²

Likewise, the alleged false statements made by the agency to the congressional office are not clear and convincing evidence of bad faith. Consistent with the agency’s position, our reading of the first statement shows that the agency explained that Davos Francois never filed a pre-award protest. The fact that Davos Francois shows that he requested a status update or a debriefing from the agency does not contradict this statement. While the agency’s statement may have been misinformed because it appears to indicate that Davos Francois sought to file a pre-award challenge to the terms of the original solicitation, it does not demonstrate that the agency officials have rigged this procurement. Furthermore, we see nothing in the second statement as evidencing bad faith because it accurately explains that Davos Francois never filed a pre-award protest, and that the agency was considering, at that time, the post-award protest allegations that he had filed with our Office.

Finally, we do not view the fact that Agency Official A advertised the solicitation through social media as evidence of bad faith. Instead, the agency explains, and we agree, that “[t]his is not bad faith, this is an effort to widely publicize the requirement, increase competition and the number of applicants.” MOL at 13. Indeed, had the agency been attempting to steer this award to a particular individual, it would have been less likely to promote the solicitation through social media to ensure that the fewest number of candidates submit proposals. Thus, we deny this protest allegation because our review of the record, and Davos Francois’ proffered evidence, does not demonstrate clear and

¹² In his comments, Davos Francois states that State characterized the “audio recording” as “direct evidence of alleged pre-selection,” and that our Office should, therefore, consider the “audio recording” as fact. Comments at 6-7 (*quoting* Req. for Dismissal, B-424438.2, at 4). We are unpersuaded. In its request for dismissal, the agency never admitted the “audio recording” was accurate; rather, we read the request as showing the agency referencing the “audio recording” in the protester’s terms and then arguing that the protester presented that “direct evidence” in piecemeal fashion. Req. for Dismissal, B-424438.2, at 4.

convincing evidence of bad faith to prove that the agency issued this solicitation to ensure that a particular individual was selected.¹³

Scope of Corrective Action

Finally, Davos Francois complains that the scope of the agency's corrective action is unreasonable because it does not provide genuine remedies for his initial protest allegations. As support, he cites our decision in *Kūpono Gov't Servs., LLC; Akima Sys. Eng'g, LLC*, B-421392.9 *et al.*, June 5, 2023, at 2, which he argues stands for the proposition that an agency's corrective action must be "genuinely remedial," and that "[c]orrective action taken for the agency's own strategic reasons--not to remedy protest grounds--is [n]ot [g]enuinely [r]emedial." Comments at 3-4.

The agency responds that it issued this solicitation to ensure that "the procurement process was fair to all applicants," and "to better and more accurately reflect the requirements of the Haiti program office." COS at 3. In other words, the agency explains that the prior solicitation did not reasonably reflect its minimum needs, and that the agency issued this solicitation to reflect those needs and allow for competition. See *id.*

Agencies have broad discretion to take corrective action where the agency determines that such action is necessary to ensure a fair and impartial competition. *Kūpono Gov't Servs., LLC; Akima Sys. Eng'g, LLC, supra* at 3. The details of implementing corrective action largely are within the discretion of the contracting agency, and we will generally not object to any particular corrective action, provided it is appropriate to remedy the concern that prompted the agency to take corrective action. *Id.* The question is whether the agency's corrective action is reasonable in relation to the flaw that the agency believes exists in the procurement process. *Id.*

In *Kūpono*, the protester challenged the scope of the agency's implemented corrective action, arguing that the agency should have permitted the protester to submit revised technical proposals. *Kūpono Gov't Servs., LLC; Akima Sys. Eng'g, LLC, supra* at 3. After reviewing the record, we sustained the protest because the agency failed to articulate the error which it needed to remedy, and therefore, our Office could not assess whether the agency's decision not to solicit revised technical proposal was

¹³ In addition to the three examples which we discuss above, Davos Francois identifies other "documented acts of institutional bad faith," including the amended terms of the solicitation, withholding Davos Francois' debriefing in the prior protest, and Agency Official A previously failing to schedule Davos Francois' interview in a prior procurement for a senior police advisor. Protest at 10. We have reviewed each of these cited examples and do not find that they demonstrate clear and convincing proof of bad faith (either in isolation or in the aggregate) because, as the agency explains, they are all supported by reasonable agency actions and determinations, or reasonable exercises of agency authority pursuant to applicable acquisition regulations. MOL at 12-13.

reasonable. *Id.*; see also *Kūpono Gov't Servs., LLC; Akima Sys. Eng'g, LLC*, B-421392.13, B-421392.14, Oct. 9, 2024, at 3 (interpreting the scope of our conclusion in a later protest of the same procurement).

Unlike *Kūpono*, the agency here has reasonably identified the flaw in the procurement process that necessitated corrective action (*i.e.*, the solicitation did not reflect its minimum needs) and then explained that it issued the new solicitation to reflect its needs as accurately as possible. COS at 3. Given this explanation, we have no basis to object to the scope of the corrective action because we agree that amending the solicitation is reasonably related to the identified flaw.

While the protester complains that the scope of the corrective action must address his protest grounds, we disagree. The protester misinterprets *Kūpono* and we confirm that our standard for assessing the reasonableness of corrective action is whether the corrective action reasonably addresses the flaw to which the agency believes exists, not the flaw to which a protester believes exists.¹⁴ *Walsh Constr. Co. II, LLC*, B-423075.2, Feb. 20, 2025, at 4.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

¹⁴ Alternatively, the agency argues that the allegation is untimely because it was raised more than 10 days after the agency announced its intent to take corrective action. MOL at 14. We agree. The protester was aware of the full scope of the agency's corrective action when it issued the new solicitation. As a result, any challenge arguing that the amended terms of the solicitation did not remedy the flaws necessitating corrective action must have been filed prior to the close of the solicitation period. See 4 C.F.R. § 21.2(a)(1) ("Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or time set for receipt of initial proposals shall be filed prior to bid opening or the time set for receipt of initial proposals."). The protester, however, raised this argument on July 9, eight days after the July 1, close of the solicitation period. Thus, this allegation is untimely, and not for our consideration.