U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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

Comptroller General
of the United States

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

Decision

Matter of: DAS Federal, LLC

File: B-424464; B-424464.2; B-424464.3

Date: July 31, 2026

Matthew T. Schoonover, Esq., and Ian P. Patterson, Esq., Schoonover & Moriarty LLC, for the protester.
Elizabeth N. Jochum, Esq., Samarth Barot, Esq., and Victoria White, Esq., Blank Rome LLP, for Precise Federal Consulting, LLC, the intervenor.
Brandon Dell'Aglio, Esq., and William Shim, Esq., Department of Health and Human Services, for the agency.
Christopher Alwood, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's technical evaluation is sustained where aspects of the agency's evaluation of corporate experience applied unstated evaluation criteria and other aspects of the technical evaluation were internally inconsistent.

DECISION

DAS Federal LLC, a small business of Gaithersburg, Maryland, protests the issuance of a task order to Precise Federal Contracting LLC, a small business joint venture of Greenbelt, Maryland, under request for quotations (RFQ) No. 75FCMC26Q0023, issued by the Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for the hosting, operation, and maintenance of CMS's integrated learning management system. The protester contends that the agency's evaluation of quotations applied unstated evaluation criteria and was otherwise unreasonable and unequal.

We sustain the protest.

BACKGROUND

On November 5, 2025, CMS issued the RFQ to firms holding contracts under the General Services Administration's 8(a) Streamlined Technology Acquisition Resources for Services III governmentwide acquisition contract, pursuant to the procedures of

Federal Acquisition Regulation subpart 16.5. Contracting Officer's Statement (COS) at 2-3; Agency Report (AR), Tab 2.14, RFQ, attach. 6, Offeror Instructions at 4.[1] The RFQ contemplated the issuance of a task order for a 1-year base period and four 1-year option periods to provide services in support of CMS's Integrated Surveyor Training Program (ISTP). AR, Tab 2.10, RFQ attach. 1, Statement of Objectives (SOO) at 10. CMS is responsible for assuring that health care surveyors for Medicare, Medicaid, and other programs are trained to properly oversee healthcare facilities and providers. *Id*. at 3-4. The successful ISTP vendor is responsible for the hosting, operation, and maintenance of CMS's integrated learning management system and associated tasks, including improving the CMS surveyor training website. *Id*. at 3.

The solicitation contemplated a two-phase procurement. AR, Tab 2.14, RFQ attach. 6, Offeror Instructions at 4-5. In phase 1, vendors had to submit quotations with corporate experience information. *Id*. at 7-8. After evaluating vendors' corporate experience, the agency would conduct an advisory "down-select" by notifying each vendor whether it should participate in the next phase. *Id*. at 5, 9. The RFQ advised that the advisory down-select was only a recommendation and vendors could elect to continue to the next phase even if the agency did not recommend that they proceed in the competition.[2] *Id*. at 5. For phase 2, vendors were to participate in "interview-style" oral presentations, provide a price quotation, and submit a "solution narrative" that included a proposed performance work statement (PWS) and a quality assurance surveillance plan.[3] *Id*. at 9-17.

The solicitation provided for award on a best-value tradeoff basis, considering the following non-price factors: (1) corporate experience; (2) oral presentation; and (3) solution narrative. *Id*. at 4-5. The RFQ stated that the non-price factors were of equal importance, and, for the purposes of the best-value tradeoff, the non-price factors combined were significantly more important than price. *Id*. at 5. The solicitation advised that the agency "anticipate[d] the assessment of confidence levels" for the evaluation of the non-price factors. *Id*.

As relevant here, under the corporate experience factor, the agency was to evaluate how well a vendor's "previous experience demonstrates performance of work similar to that envisioned by the Government" in the SOO. *Id*. at 9. The RFQ specified that the agency could consider "specific technologies, architectures, stakeholders (*e.g.*,

---

[1] The agency amended the solicitation twice. COS at 4. Unless otherwise noted, citations to RFQ attachments are to the final versions issued by the agency as part of amendment 0002.

[2] The RFQ noted that the agency would not recommend a vendor to proceed if it determined that the vendor was "unlikely to be a viable competitor for award." *Id*. at 5.

[3] Vendors were also required to submit statements disclosing compliance with technology accessibility requirements and potential conflicts of interest, as part of the solution narrative, which were not to be considered as part of the best-value tradeoff. *Id*. at 16-18.

clients, users, *etc*.), tools, methods[,]" or other relevant experience in its evaluation of corporate experience. *Id*. The solicitation therefore encouraged vendors to "describe how the experience aligns to the Government's intent including the objectives of the SOO and the work envisioned under the PWS." *Id*.

On or before the solicitation's February 12, 2026 closing date, the agency received quotations from 11 vendors, including from DAS and Precise. COS at 5; AR, Tab 7.1, Award Decision Memorandum at 7. After completing its phase 1 evaluation, the agency issued advisory down-select notices to the vendors. COS at 5. The agency recommended Precise and four other vendors proceed to phase 2, but advised DAS that it should not proceed. *Id*.; Protest at 3; AR, Tab 7.1, Award Decision Memorandum at 7. DAS nonetheless chose to participate in phase 2. *Id*. By March 12, the agency conducted oral presentations with, and received phase 2 quotations from, the six remaining vendors. COS at 4-5.

The agency evaluated quotations under the non-price factors by identifying strengths and weaknesses in the quotations and assigning confidence levels of high, some, or low confidence for each evaluation factor.[4] *See* AR, Tab 3.1, Technical Evaluation Report at 2. These ratings reflected the level of confidence the agency had that the vendor would "be successful in performing the contract with little or no [g]overnment intervention." *Id*.

The agency evaluated Precise's and DAS's quotations as follows:

	Precise	**DAS**
Corporate Experience	High	Some
Oral Presentation	High	Some
Solution Narrative	High	Some
Price	$52,312,038	$49,160,762

Id. at 3; AR, Tab 7.1, Award Decision Memorandum at 7.

The source selection authority (SSA) conducted an independent evaluation of quotations and oral presentations. AR, Tab 7.1, Award Decision Memorandum at 7. The SSA found the evaluators' assessments to be reasonable and adopted the confidence ratings and supporting observations included in the technical evaluation report. *Id*. The SSA conducted a series of tradeoffs between the quotations and

[4] The technical evaluation report phrased the individual findings as "observations" that either increased or decreased confidence in the quotation. *See*, *e.g.*, AR, Tab 3.1, Technical Evaluation Report at 29. These assessments appear to be assigned in a manner analogous to the assignment of strengths and weaknesses. The parties also used the term weakness when discussing decreased confidence observations in the pleadings. *See*, *generally*, Memorandum of Law (MOL); Comments & Second Supp. Protest. Accordingly, for the purposes of clarity, we refer to these assessments as strengths and weaknesses in this decision.

concluded that the advantages of Precise's quotation justified its relative price premium and that Precise therefore represented the best value to the government. *Id*.

The agency issued the task order to Precise on April 22 and provided DAS with a debriefing on April 29. COS at 8; AR, Tab 6.1, DAS Debriefing. This protest followed.

DISCUSSSION

DAS contends that the agency's evaluation applied unstated evaluation criteria and was otherwise unreasonable and unequal.[5] Protest at 4-12; Supp. Protest at 2-8; Comments & Second Supp. Protest at 1-8. For the reasons discussed below, we sustain the protest.[6]

Unstated Evaluation Criteria

The protester contends that the agency applied unstated evaluation criteria when it assessed six weaknesses in DAS's corporate experience quotation based on performance considerations. Protest at 4-12; Comments & Second Supp. Protest at 1-3. In this regard, DAS notes that the evaluation criteria for the corporate experience factor only required vendors to describe their experience performing work similar to the RFQ's requirements. *Id*. The protester argues that, despite this, the agency's evaluation unreasonably considered whether DAS's corporate experience quotation adequately described how DAS would perform technical tasks outlined in the SOO. Comments & Second Supp. Protest at 2-3.

The agency responds that its evaluation of DAS's corporate experience was reasonable and in accordance with the solicitation's evaluation criteria. COS at 9-15; MOL at 5-16. For each of the challenged weaknesses, the agency argues that its evaluation conclusions were reasonably based on DAS's failure to provide detail regarding aspects of the firm's experience that the RFQ advised vendors to address. *See*, *e.g.*, MOL at 8 ("the record demonstrates that the agency reasonably required significant detail about the protester's experience in risk management as provided by the [s]olicitation").

The evaluation of quotations in a task order competition, including the determination of the relative merits of quotations, is primarily a matter within the contracting agency's

---

[5] DAS initially argued that the agency failed to conduct a best-value tradeoff and that the agency unequally conducted clarifications during oral presentations. Supp. Protest at 8-9; Comments & Second Supp. Protest at 8-9. The protester later withdrew these allegations. Comments & Second Supp. Protest at 7 n.4; Withdrawal of Second Supp. Protest.

[6] This decision does not address all of DAS's arguments, which challenge additional aspects of the agency's evaluation. However, we have considered each of DAS's allegations and, except for those discussed in this decision, find none that provide a basis to sustain the protest.

discretion, because the agency is responsible for defining its needs and the best method of accommodating them. *Ernst & Young, LLP*, B-422469, B-422469.2, July 3, 2024, at 5. However, agencies are required to evaluate quotations based solely on the factors identified in the solicitation. *PAE National Security Solutions, LLC*, B-419207.2 *et al.*, May 19, 2021, at 3. Additionally, while agencies properly may apply evaluation considerations not expressly identified in the solicitation, those considerations must be reasonably and logically encompassed by the stated evaluation criteria. *Id*. In reviewing protests of an agency's evaluation, we will not reevaluate quotations; rather, we review the record to determine whether the evaluation was reasonable and consistent with the solicitation and with applicable procurement laws and regulations. *Sapient Gov't Servs., Inc.,* B-412163.2, Jan. 4, 2016, at 4. 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, at 4.

As discussed below, the record demonstrates that the agency applied unstated evaluation criteria in assessing two of the weaknesses found in DAS's corporate experience. By way of background, the RFQ required vendors to submit a corporate experience narrative "which demonstrates recent performance of work similar to that needed to meet the Government's intent as described" by the solicitation. AR, Tab 2.14, RFQ attach. 6, Offeror Instructions at 7. The solicitation stated that the narrative "should illustrate the depth and breadth of experience" within five defined focus areas "with references to the particular projects[] from which the experience was gleaned."[7] *Id*. The RFQ provided that the agency would evaluate quotations under the corporate experience factor as follows:

> The Government will assess how well the previous experience demonstrates performance of work similar to that envisioned by the Government in pursuit of the intent described in this solicitation. Considerations may include specific technologies, architectures, stakeholders (*e.g.*, clients, users, *etc.*), tools, methods or anything else the Government considers relevant within this context. Respondents are therefore encouraged to describe how the experience aligns to the Government's intent including the objectives of the SOO and the work envisioned under the PWS.

Id. at 9.

As an initial matter, the protester argues that the agency applied unstated evaluation criteria in assessing a weakness in DAS's corporate experience quotation for failing to provide a risk matrix, probability-impact scoring, and ISTP-specific mitigation strategies. Protest at 7; Comments & Second Supp. Protest at 2. The weakness states that DAS's discussion of risk management "lacks the required level of detail." AR, Tab 3.1,

---

[7] The five experience focus areas defined by the RFQ were project management, human-centered design, user-research, user-experience, and accessibility. *Id* at 8.

Technical Evaluation Report at 30 (emphasis removed). Specifically, the evaluators found that "[t]he SOO calls for comprehensive risk management and continuity planning, yet the proposal does not include a formal risk matrix, probability-impact scoring, or ISTP-specific mitigation strategies." *Id*.

The record demonstrates that the plain language of the weakness is inconsistent with the RFQ's evaluation criteria. As noted above, the solicitation stated that the agency would evaluate "how well the previous experience demonstrates performance of work" similar to the current requirements. AR, Tab 2.14, RFQ attach. 6, Offeror Instructions at 9. Further, CMS does not point to, and our review of the record does not reveal, any requirement in the solicitation for vendors to include a formal risk matrix or ISTP-specific mitigation strategies in the corporate experience quotation. Accordingly, we find the agency's assessment of a weakness for not proposing risk mitigation strategies or deliverables to be unreasonable and inconsistent with the solicitation's corporate experience evaluation criteria.

The agency maintains that its evaluation reasonably assessed the weakness based on a lack of detail discussing the firm's corporate experience with industry best practice methods for risk management, consideration of which was logically encompassed by the solicitation's evaluation criteria. COS at 10-11; MOL at 8-9. In this regard, the agency argues that the SOO specifically required that the successful vendor "shall use industry best practice methods to identify risks and mitigate their impact on the success of the program." MOL at 8 (*citing* AR, Tab 2.11, RFQ attach. 1.1, SOO Appendix at 7). The agency explains that "[i]ndustry best practices for risk management typically encompass items such as formal risk matrices and probability-impact scoring." MOL at 8. The agency contends that the issue identified by the evaluators "was less about any specific item not included in the protester's [corporate experience quotation] . . . as the lack of concrete examples to tie their experience to risk management." MOL at 9.

Our Office will not limit its review of an agency's evaluation to contemporaneously documented evidence, but instead will consider all the information provided, including a party's arguments and explanations. *Hoover Properties*, B-418844, B-418844.2, Sept. 28, 2020, at 7; *CRAssociates, Inc.*, B-418194, Jan. 23, 2020, at 5. Post-protest explanations that provide a detailed rationale for contemporaneous conclusions, and simply fill in previously unrecorded details, generally will be considered in our review so long as those explanations are credible and consistent with the contemporaneous record. *Id*. However, our Office gives little weight to new evaluation or tradeoff judgments made in response to a protest. *Patricio Enters., Inc.*, B-412740 *et al.*, May 26, 2016, at 8-9. We accord lesser weight to such *post hoc* arguments or analyses because we are concerned that judgments made in the heat of an adversarial process may not represent the fair and considered judgment of the agency, which is a prerequisite of a rational evaluation and source selection process. *Id*. Here, we find that the agency's post-protest defenses are not supported by the contemporaneous record; accordingly, we find such arguments to be unpersuasive and afford them little weight.

The plain language of the weakness here faults the protester for not including a risk management deliverable or risk mitigation strategies for the current requirement, not the reasons the agency advances in response to the protest. In short, we find the weakness to be unreasonable because nothing in the submission instructions or evaluation criteria put vendors on notice that they should propose a risk matrix or ISTP-specific mitigation strategies in their corporate experience quotation. *Solvere Tech. Group*, B-423785, Dec. 18, 2025, at 7 ("An agency may not give importance to specific factors, subfactors, or criteria beyond that which would reasonably be expected by offerors reviewing the stated evaluation criteria").

Similarly, we agree with the protester that the agency applied unstated evaluation criteria in assessing a weakness in DAS's quotation for not demonstrating "explicit alignment with ISTP-specific" key performance indicators (KPIs). *See* Protest at 5-6; Comments & Second Supp. Protest at 2. The language describing this weakness faults DAS's quotation because it did "not clearly map [DAS's] proposed metrics to ISTP defined KPIs, such as course completion trends, system availability standards, help desk responsiveness, or archival accuracy requirements." AR, Tab 3.1, Technical Evaluation Report at 29-30. The evaluators further stated that more specificity "would clarify how the contractor intends to drive and measure ISTP mission success." *Id*. at 30.

We view the plain language of the weakness to be inconsistent with the evaluation criteria set forth in the solicitation. In this regard, the RFQ did not, at any point, advise vendors that they should propose the metrics they would use during performance of the task order as part of their corporate experience quotation. The solicitation instead advised that the agency would evaluate how a vendor's *experience* demonstrates the performance of work similar to the instant requirement. While the RFQ clearly stated that the agency could consider whether DAS had demonstrated experience with specific methods used to meet the objectives of the SOO--such as ISTP-specific metrics--the assessed weakness unreasonably expected DAS to propose metrics and discuss how it intended to use them to perform the ISTP task order.

Moreover, we find unreasonable the agency's contention that the evaluators properly assessed the weakness because DAS's quotation lacked detail regarding its experience addressing metrics like those envisioned in the SOO. COS at 9-10; MOL at 5-8. Whether DAS provided sufficient detail regarding its experience is a distinct consideration from whether the vendor proposed metrics to meet the ISTP requirements, which is what the plain language of the weakness took issue with. Without more, we see no basis to conclude that this weakness was reasonably assessed by the agency.

In sum, we agree with the protester that the agency applied unstated evaluation criteria for two of the weaknesses assessed under the corporate experience factor. We find that the agency's consideration of whether DAS included certain proposed solutions or contract deliverables in its corporate experience quotation was not reasonably encompassed by the RFQ's evaluation criteria. The assessed weaknesses create an irrational result in which the protester was penalized for following the solicitation instructions to describe the firm's experience in the corporate experience section instead of proposing a technical solution. We sustain this basis of protest.

Summary Narrative Evaluation

The protester also challenges the agency's evaluation of DAS's quotation under the summary narrative factor. Supp. Protest at 7-8; Comments & Second Supp. Protest at 6-8. The protester argues that the agency unreasonably assigned DAS a rating of some confidence under this factor despite several assessed strengths and no weaknesses.[8] Comments & Second Supp. Protest at 6-7. In this regard, DAS contends that the agency's justification for the rating--that DAS's quotation did not provide any benefits or improvements beyond the baseline requirements--is contradicted by the evaluation record, specifically statements by the agency evaluators in support of the assessed strengths, which acknowledged several benefits. *Id*.

The agency responds that its evaluation was reasonable and in accordance with the terms of the solicitation. COS at 18-19; MOL at 21-23. The agency contends that it reasonably concluded DAS's summary narrative quotation merited a rating of some confidence because the quotation did not offer "innovations, benefits, or improvements beyond the basic SOO requirements." MOL at 22. CMS argues, further, that the evaluation language objected to by the protester was not a negative finding but rather an explanation as to why the agency did not assign a higher rating. *Id*. at 22-23.

As noted above, in reviewing protests of an agency's evaluation in a task order competition, we will not reevaluate quotations; rather, we review the record to determine whether the evaluation was reasonable and consistent with the solicitation and with applicable procurement laws and regulations. *Ernst & Young, LLP*, *supra*. 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.*, *supra*.

The record reflects that the agency assessed 12 strengths and no weaknesses in DAS's quotation under the summary narrative factor. AR, Tab 3.1, Technical Evaluation Report at 32-35. Further, five of the strengths specified that the evaluators considered the respective aspect of DAS's quotation to be "a benefit." *See*, *e.g.*, *id*. at 34-35 ("[t]his approach ensures continuous operation, maintenance, and enhancement of [the quality, safety, and education portal (QSEP)] which is a benefit to the QSEP" and "[t]his aligns

---

[8] The protester initially argued that the agency used unstated evaluation criteria in its assignment of DAS's adjectival rating under the summary narrative factor. Supp. Protest at 7. The agency provided a detailed response to this protest allegation. MOL at 23. In response, DAS did not rebut or substantively respond to the agency's arguments. *See* Comments & Second Supp. Protest at 6-8. Accordingly, we dismiss this protest ground, on which DAS did not comment, as abandoned. *See Tec-Masters, Inc.*, B-416235, July 12, 2018, at 6.

with [the] requirement for meeting and event management support, which is a benefit to CMS"). The evaluators concluded, however, that DAS's summary narrative merited a rating of some confidence, noting that DAS presented limited innovations and "the proposed approach does not yield any benefits or improvements to the baseline requirements." *Id*. at 33. The SSA agreed with the evaluators' conclusions, stating that DAS's summary narrative quotation "does not yield additional benefits or improvements" beyond the RFQ's requirements. AR, Tab 7.1, Award Decision Memorandum at 21.

As DAS correctly points out, the agency's conclusion that DAS's quotation did not yield any benefits is inconsistent with several contemporaneous findings of strengths that noted quotation aspects that were beneficial to CMS. Source selection officials are responsible for reconciling contradictory evaluation findings that are of potential significance to the agency's source selection decision, and where the record fails to demonstrate that such findings were reasonably reconciled, we will sustain a protest. *Solers, Inc.*, B-414672.3, B-414672.8, Oct. 9, 2018, at 13. Because the record here fails to explain how the agency could reasonably have concluded both that DAS's quotation merited five strengths that benefited the agency and that DAS's quotation did not provide any benefits, we sustain this basis of protest.[9]

---

[9] The agency argues that the RFQ required vendors to propose improvements and innovations and the fact that the agency found no such innovation in DAS's quotation justified the rating of some confidence. COS at 18; MOL at 23. While such a consideration may reasonably form part of the basis for the agency to assign a given confidence rating, it does not resolve the existing inconsistency in the agency's evaluation conclusion regarding the existence of evaluated benefits. We note that adjectival ratings are merely guides for intelligent decision making in the procurement process. *CAMRIS Int'l, Inc.*, B-416561, Aug. 14, 2018, at 4. In this regard, source selection officials are required to consider the underlying bases for ratings, including the advantages and disadvantages associated with the specific content of competing quotations. *22nd Century Techs., Inc.*, B-422659.5, B-422659.6, Jan. 14, 2025, at 4. Here, our concern is not with the adjectival rating assigned to DAS's quotation, but whether the evaluators and the SSA reasonably considered the merits of the documented strengths when the evaluation record is inconsistent as to whether the strengths provided a benefit to the government.

Competitive Prejudice

Competitive prejudice is an essential element of a viable protest. *AdvanceMed Corp.*, B-414373, May 25, 2017, at 16. We will sustain a protest where a protester demonstrates a reasonable possibility that it was prejudiced by the agency's actions. *Id*. at 16-17. Here, had the agency not made the evaluation errors discussed above, it might have considered DAS's lower-priced quotation more favorably compared to Precise's such that paying a premium for Precise's quotation may no longer have represented the best value to the government. In such circumstances, we resolve doubts regarding competitive prejudice in favor of the protester. *Id*.

RECOMMENDATION

For the reasons discussed above, we conclude that CMS's evaluation of DAS's quotation under the corporate experience and summary narrative factors was unreasonable. We recommend that, consistent with this decision, CMS reevaluate quotations, conduct and document a new best-value tradeoff analysis, and prepare a new source selection decision. We also recommend that the agency reimburse the protester's reasonable costs associated with filing and pursuing the protest, including attorneys' fees. 4 C.F.R. § 21.8(d)(1). The protester's certified claim for costs, detailing the time expended and costs incurred, must be submitted to the agency within 60 days after receipt of this decision. 4 C.F.R. § 21.8(f).

The protest is sustained.

Edda Emmanuelli Perez
General Counsel