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# Decision

**Matter of:** SharePoint, LLC

**File:** B-424200.2; B-424200.3

**Date:** August 24, 2026

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## DIGEST

Protest challenging the agency's evaluation of past performance is denied where the agency's evaluation was reasonable and consistent with the terms of the solicitation.

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## DECISION

SharePoint, LLC, of Herndon, Virginia, protests the issuance of a task order to Booz Allen Hamilton Inc. (BAH), of McLean, Virginia, under request for quotation (RFQ) No. 75N98025R00020, issued by the Department of Health and Human Services, the National Institutes of Health (NIH), for cybersecurity operations services. SharePoint alleges that the agency's evaluation of quotations and award decision were improper.

We deny the protest.

## BACKGROUND

On October 1, 2025, using the procedures of Federal Acquisition Regulation (FAR) subpart 8.4, the agency issued the solicitation to holders of federal supply schedule contracts under the special item number for highly adaptive cybersecurity services.<sup>1</sup>

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<sup>1</sup> Before the NIH issued the solicitation, FAR part 8 was updated in the Revolutionary FAR Overhaul (RFO) issued in August 2025. The Department of Health and Human

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COS at 1; Agency Report (AR), Tab 2.10, RFQ at 1.<sup>2</sup> The solicitation sought quotations for services to sustain and enhance cybersecurity operations for the NIH. AR, Tab 2.1, Performance Work Statement (PWS) at 4.

The solicitation contemplated issuance of a single fixed-price order with a 9-month base period and a 9-month option period. *Id.* at 8-9. The solicitation provided for award to be made on a best-value tradeoff basis considering the following evaluation factors: (1) small business utilization plan; (2) minimum experience; (3) technical understanding and approach; (4) management plan and corporate experience; (5) key personnel; (6) past performance; and (7) price. RFQ at 5-6. For the first two factors, the agency would assign an acceptable/unacceptable rating and only quotations deemed acceptable would be eligible for award. *Id.* at 2. The third through sixth factors were designated the technical capability factors, for which the agency would assign confidence ratings of high, some, low, or unknown confidence. *Id.* at 7. As relevant to this protest, the solicitation specified that if a quotation was evaluated with low confidence for any of the technical capability factors, it would be “excluded from award due to the level of risk it presents.” *Id.*

The agency received 13 quotations by the November 8, deadline for submission. AR, Tab 4.2, Source Selection Decision Memorandum (SSDM) at 1-2. On December 31, the NIH issued an order to BAH, and another vendor, Edgewater Federal Solutions, Inc., protested that selection decision to our Office on January 9, 2026. COS at 3. In response to Edgewater’s protest, the agency notified our Office of its intent to take corrective action by reevaluating quotations and making a new source selection decision; as a result, we dismissed the protest as academic. *Edgewater Fed. Sols., Inc.*, B-424200, Jan. 28, 2026 (unpublished decision).

Following the corrective action reevaluation, the NIH reaffirmed the decision to issue the order to BAH. AR, Tab 4.2, SSDM at 5. On May 21, the agency notified SharePoint of

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Services and the General Services Administration have since issued class deviations to follow Part 8 of the RFO, effective November 2025. Department of Health and Human Services FAR Class Deviation No. 2025-09, *available at* [https://www.acquisition.gov/sites/default/files/page\\_file\\_uploads/HHS\\_RFO\\_Deviation\\_Part-4-8-12-38-40-51and52.pdf](https://www.acquisition.gov/sites/default/files/page_file_uploads/HHS_RFO_Deviation_Part-4-8-12-38-40-51and52.pdf) (last visited Aug. 10, 2026); General Services Administration FAR Class Deviation No. RFO-2025-08, *available at* <https://www.gsa.gov/policy-regulations/policy/acquisition-policy/acquisition-policy-library-and-resources/rfo202508> (last visited Aug. 10, 2026). The agency confirms that the solicitation here, however, was issued in October 2025 and not issued pursuant to any class deviation, and no party has argued that the RFO should apply. See Contracting Officer’s Statement (COS) at 1.

<sup>2</sup> Citations to the record refer to the documents’ internal Adobe PDF pagination. The agency amended the RFQ five times. References to the RFQ are to the final amended version filed as Tab 2.10 of the agency report.

the reaffirmed award to BAH, and that ShorePoint's quotation was found "technically unacceptable." AR, Tab 5.2, May Brief Explanation at 2.

This protest followed.

## DISCUSSION

ShorePoint argues that the agency's evaluation of the protester's quotation was unreasonable and, as a result, the agency's source selection decision was flawed. Protest at 15-17; Comments & Supp. Protest at 11-25. We have reviewed all of ShorePoint's protest grounds and find no basis to sustain the protest.

### Timeliness

As a preliminary matter, the agency requests that we dismiss the protest as untimely. Req. for Dismissal. Following the initial award in December 2025, ShorePoint received a brief explanation of the basis for award from the NIH on January 5, 2026. AR, Tab 5.1, Jan. Brief Explanation. In response to Edgewater's protest of the first award decision, the agency undertook corrective action by reevaluating quotations and making a new source selection. Following reevaluation, the agency reaffirmed award to BAH in May 2026. Following the NIH's second award decision, the protester received another brief explanation on May 21, 2026. AR, Tab 5.2, May Brief Explanation at 2-3. According to the agency, because ShorePoint knew on January 5 that the firm's "quotation was not selected for award and BAH's was [selected]," ShorePoint was required to file its protest within 10 days of receiving the January brief explanation. Req. for Dismissal at 2.

Our bid protest regulations require that vendors must generally bring post award protests within 10 days of when they knew or should have known their basis of protest. 4 C.F.R. § 21.2(a)(2). In this regard, we have specifically explained that a protest of an agency's corrective action award will not be found timely where the protester failed to timely challenge similar evaluation findings following the original award. *Booz Allen Hamilton, Inc.*, B-422118.2, B-422118.3, July 30, 2024, at 4. The fact that an agency makes a new source selection decision or reevaluates proposals or quotations does not provide a basis for reviving otherwise untimely protest allegations where the basis of the otherwise untimely protest allegations concern aspects of the agency's evaluation that were not subsequently affected by the agency's corrective action. *Id.*

Here, however, the brief explanation provided to ShorePoint, on May 21, was the first time that the NIH informed ShorePoint that the firm's quotation had been found to be "technically unacceptable." AR, Tab 5.2, May Brief Explanation at 2. In this connection, the January 5 brief explanation included no information about the agency's evaluation of ShorePoint. AR, Tab 5.1, Jan. Brief Explanation at 1-4. Instead, the notice disclosed the number of vendors solicited, number of quotations received, name, address, and price of the awardee, and a paragraph describing why BAH's quotation represented the best value to government by reference to the awardee's attributes only. *Id.* at 2.

Despite requests for more information from ShorePoint after the January 5 brief explanation, it was not until the May 21 brief explanation that the agency revealed any information about ShorePoint's evaluation. See Protest, Exh. M, Emails Between Agency and Protester ending Jan. 15, 2026. In that notice, for the first time, the agency informed the protester that its proposal was "technically unacceptable," and therefore, "will not be considered further for award." AR, Tab 5.2, May Brief Explanation at 2.

We have previously dismissed protest allegations when a protester was advised of an agency's evaluation findings following an initial award, did not file a protest at the time, but later protested substantially identical evaluation findings following a corrective action reevaluation and award. *Red River Comput. Co., Inc.; MIS Scis. Corp.*, B-414183.8 *et al.*, Dec. 22, 2017, at 6-7 n.10. Here, ShorePoint was not advised of the agency's evaluation findings regarding the firm's quotation until after the NIH reaffirmed the award to BAH in May. Req. for Dismissal at 2; see also Intervenor's Resp. to Req. for Dismissal at 6 ("The only difference between the January and May 2026 brief explanations is the latter stated ShorePoint's proposal was 'technically unacceptable.'"). Under the circumstances, we do not find that ShorePoint knew or should have known of the basis of its protest--i.e., the agency's evaluation of ShorePoint's quotation as technically unacceptable and ineligible for award--until after the firm received the brief explanation on May 21. 4 C.F.R. § 21.1(a)(2); see also *Penn Parking, Inc.*, B-412280.2, Feb. 17, 2016, at 3 n.1 (rejecting argument that protest was untimely based on information revealed during a protest of an earlier award decision because there was nothing in the record establishing that the protester knew or should have known of the information before notice of the new award decision following corrective action). Accordingly, we decline to dismiss ShorePoint's challenge to the evaluation of its quotation as untimely.

#### Exclusion from Consideration for Award

The protester challenges the agency's evaluation of its quotation that resulted in the firm's exclusion from consideration for award. Comments & Supp. Protest at 12-21. The agency maintains that it properly excluded ShorePoint from consideration for award because the NIH reasonably evaluated ShorePoint's quotation as low confidence under at least one of the four technical capability factors. Memorandum of Law (MOL) at 3-5; Supp. MOL at 3-6.

The solicitation established four technical capability evaluation factors, including, as relevant here, past performance. RFQ at 3-5. For past performance, vendors were directed to submit "at least 3 but no more than 5 similar contracts, within the past 5 years, for which the responder was the prime contractor" to "demonstrate an ability to perform future contracts of this magnitude and complexity." *Id.* at 4. For each contract, vendors were required to submit, among other things, a description of the project and "[h]ow the characteristics of the organizational examples provided are similar to or different than the NIH's (such as size of organization, public versus private, carrier selection, demographics, etc.)." *Id.* The agency would evaluate and assign a confidence rating to vendors' past performance. *Id.* at 7.

Relevant here, the solicitation defined a rating of low confidence as follows:

The Government has low confidence that the Offeror understands the requirement, proposes a sound approach, or will be successful in performing the contract with even Government intervention. Offer responses with a low confidence level pose a potential disruption of schedule, increase in price, likelihood for increased Government oversight, ineffectiveness of risk mitigation strategies, or degradation of performance. Therefore, *an Offeror with a low confidence rating in any of the criteria during the technical evaluation will be excluded from award* due to the level of risk it presents.

*Id.* (emphasis added).

The record reflects that ShorePoint submitted five contract examples to address the past performance factor. AR, Tab 3.3, ShorePoint Tech. Capability Proposal at 158. The agency evaluated ShorePoint's past performance and assigned it a rating of low confidence. AR, Tab 4.1, Consensus Report at 23-25. Specifically, the evaluators found:

The offeror's past performance does not demonstrate their ability to perform all of the tasking required by this PWS. For example, the offeror has minimal experience by executing a smaller scope of [DELETED] and [DELETED] tasking compared to the scope, scale, and complexity of the tasking required by this PWS.

*Id.* at 24-25. Because ShorePoint's quotation had been assigned a low confidence rating under at least one technical capability factor, the agency excluded the firm from consideration for award. COS at 4.

In reviewing protests of an agency's evaluation and source selection decision of procurements conducted under federal supply schedule procedures, we do not conduct a new evaluation or substitute our judgment for that of the agency. *Paragon Tech. Grp., Inc.*, B-407331, Dec. 18, 2012, at 5. The evaluation of past performance, including the agency's determination of the relevance of a vendor's performance history, is a matter of agency discretion, which we will not find improper unless it is unreasonable or inconsistent with the solicitation's evaluation criteria. *SecTek, Inc.*, B-417852.2, Jan. 13, 2020, at 5. A protester's disagreement with the agency's judgment, without more, does not establish that an evaluation was improper. *LOUI Consulting Grp., Inc.*, B-413703.9, Aug. 28, 2017, at 3-4.

ShorePoint argues that the agency's evaluation was contrary to the solicitation and "procurement law." Comments & Supp. Protest at 18-19. Invoking the general distinction between a corporate experience evaluation (which focuses on whether an offeror has actually performed similar work) and a past performance evaluation (which

considers the quality of the work), the protester argues that the evaluators improperly based their analysis of ShorePoint's past performance on the similarity--or lack thereof--in magnitude and complexity of the work required under the RFQ, rather than the quality in execution of that work. *Id.* at 20-21. According to the protester, because the agency determined that ShorePoint was acceptable under the solicitation's separate minimum experience evaluation factor, the past performance evaluation should not have considered the relevance of the contract references at all. Supp. Comments at 12-14. In ShorePoint's view, the evaluation should have been based only on whether the firm had "performed prior cybersecurity work well."<sup>3</sup> *Id.* at 13.

Generally, an agency's evaluation under an experience factor is distinct from its evaluation of an offeror's past performance. *Amyx, Inc.*, B-410623, B-410623.2, Jan. 16, 2015, at 14. The former focuses on the degree to which a vendor (or offeror) has actually performed similar work, whereas the latter focuses on the quality of the work. *Id.* The solicitation here established a minimum experience factor to be evaluated as either acceptable or unacceptable. RFP at 2-3. For an acceptable rating, vendors were required to submit at least one federal government contract reference that the vendor performed as the prime contractor within the past 10 years with an annual contract value of at least \$20 million. *Id.* at 6-7.

The past performance factor, by contrast, required submission of multiple contracts the vendor performed as the prime contractor that would "demonstrate an ability to perform future contracts of this magnitude and complexity." *Id.* at 4. ShorePoint acknowledges that the agency's concern about the firm's past performance related to the "scope, scale, and complexity" of its previous work, as compared to the PWS here. Supp. Comments at 12. Although ShorePoint argues that this meant that the agency did not perform a "qualitative past performance assessment" based on success in performing the work, the protester has not demonstrated that the evaluation, based on magnitude and complexity of the prior work, was inconsistent with the solicitation or procurement law. *Id.* at 12-14. To the contrary, the solicitation specifically provided that the NIH's purpose in evaluating past performance was to determine whether the vendor "demonstrate[d] an ability to perform future contracts of this magnitude and complexity." RFQ at 4. ShorePoint argues that, at best, this was merely a "sub evaluation factor" of past performance, and that it should not have been determinative in the past performance evaluation. Supp. Comments at 12 ("An agency cannot evaluate a 'sub evaluation factor' in place of the full evaluation and claim it adhered to the terms of the solicitation . . .").

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<sup>3</sup> The RFQ also provided an adjectival rating of unknown confidence, defined as "[n]o recent/relevant performance record is available or the Offeror's performance record is so sparse that no meaningful confidence assessment rating can be reasonably assigned." RFQ at 7. The protester does not argue that the agency's evaluation should have resulted in a rating of unknown confidence. See Comments & Supp. Protest at 18-21; Supp. Comments at 12-14.

This argument, however, is premised wholly on a clarification provided in the solicitation's questions-and-answers (Q&A) in response to a tangentially related question. In this context, a vendor posed the question, "Will the Government please clarify what is meant by 'carrier selection and demographics'?"<sup>4</sup> AR, Tab 2.8, RFQ Q&A at No. 105. The agency prefaced its response to the question with: "How the characteristics of the organizational examples provided are similar to or different than the NIH's (such as size of organization, public versus private, carrier selection, demographics, etc.)' is a frequently used sub evaluation factor for past performance for source selection for various types of services and products at NIH." *Id.* In making this argument, the protester ignores the remainder of the answer to the question, which states:

The government is looking for offerors' past performance at organizations that are similar to NIH in all applicable ways. "[S]ize of organization, public versus private, carrier selection, demographics, etc." are common examples of characteristics the government could be looking for if they are applicable for the types of services and products being procured.

*Id.*

Thus, the solicitation's Q&A plainly advised vendors of what may be considered in the evaluation of past performance. To the extent ShorePoint takes issue with such consideration, the protester was required to challenge the terms of the solicitation before the due date set for quotations--which the protester did not do. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1). Moreover, nothing in the Q&A rendered ineffective the RFQ's general provision for past performance to be an evaluation of the ability to perform contracts relevant to the PWS here. Tellingly, when providing past performance references, ShorePoint's own quotation specifically addressed aspects such as "scope & complexity relevance," of contracts and addressed features like the specific types of work performed, separate from "organizational relevance," comparing the customer to the NIH for each past performance reference. AR, Tab 3.3, ShorePoint Tech. Capability Quotation at 159-68.

Although ShorePoint now disagrees that the agency should have considered the relevance of the past performance references in assessing the confidence level,

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<sup>4</sup> The question relates to the RFQ's requirement that past performance contract references include information such as name and address of the organization supported, as well as the period of performance and "duration of engagement." RFQ at 4. Specifically, the seventh bulleted item for each contract reference was the requirement that vendors explain: "How the characteristics of the organizational examples provided are similar to or different than the NIH's (such as size of organization, public versus private, carrier selection, demographics, etc.)." *Id.*

ShorePoint does not establish that the consideration was inconsistent with the solicitation. Indeed, a review of decisions in procurement law and our decisions demonstrate that consideration of relevance in magnitude and complexity is typical in past performance evaluations. See, e.g., *Warfighter Focused Logistics, Inc.*, B-423546, B-423546.2, Aug. 5, 2025, at 5 (“An agency’s evaluation of past performance, including its consideration of the relevance, scope, and significance of an offeror’s performance history, is a matter of discretion which we will not disturb unless the agency’s assessments are unreasonable or inconsistent with the solicitation criteria.”). Therefore, the allegation is denied. *CSlope Sols., LLC*, B-422249.2 *et al.*, Dec. 10, 2025, at 6-7 (denying challenge that past performance evaluation unreasonably considered magnitude of contract references).

#### Interested Party

Under the bid protest provisions of the Competition in Contracting Act of 1984, only an interested party may protest a federal procurement. 31 U.S.C. §§ 3551-3557. That is, a protester must be an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. *Id.*; 4 C.F.R. § 21.0(a)(1); *Paragon Sys., Inc.*, B-422828, B-422828.2, Nov. 19, 2024, at 10. In a post-award context, we have generally found that a protester is an interested party to challenge an agency’s evaluation only where there is a reasonable possibility that the protester would be next in line for award if its protest were sustained. *CACI, Inc.-Fed.*, B-419499, Mar. 16, 2021, at 5. A protester is therefore not an interested party if it would not be eligible to receive a contract award were its protest to be sustained. *Win Aviation, Inc.*, B-422037, B-422037.2, Dec. 21, 2023, at 6.

As discussed above, the solicitation provided that a quotation with a rating of low confidence--under any of the technical evaluation factors, to include past performance--would be excluded from consideration for award. RFQ at 4. Where, as here, the record reflects that the agency’s assignment of a low confidence rating under the past performance evaluation was reasonable, ShorePoint would not be in line for award because its quotation was excluded from further consideration. See *Paragon Sys., Inc.*, *supra*. Accordingly, ShorePoint is not an interested party to challenge other aspects of the agency’s evaluation and selection decision. The remaining protest allegations are therefore dismissed. *Orion Gov’t Servs.*, B-422978, B-422978.2, Dec. 30, 2024, at 7.

The protest is denied.

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