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# Decision

**Matter of:** GSI Pacific, Inc.

**File:** B-424511.3; B-424511.4

**Date:** August 27, 2026

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Mary G. Curcio, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

1. Protest that agency unreasonably evaluated proposal under experience factor is denied where protester failed to provide required dates for several submitted projects.
  2. Protest that agency treated offerors disparately in evaluating proposals is denied where agency evaluated each proposal in accordance with the solicitation requirements and evaluation results were based on the differences in the proposals.
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## DECISION

GSI Pacific, Inc., of Honolulu, Hawaii, protests the decision of the Department of the Navy, Navy Facilities Engineering Command, to eliminate GSI from the competition under request for proposals (RFP) No. N62478-24-R-4054, issued to award multiple design build/design bid-build construction contracts. GSI asserts that the agency unreasonably evaluated its phase I proposal.

We deny the protest.

## BACKGROUND

The Navy issued the RFP on December 20, 2023, to award multiple fixed-price, indefinite-delivery, indefinite-quantity construction contracts for a five-year base period and one three-year option period. The solicitation provided for proposals to be evaluated in two phases. This protest concerns the phase I evaluation during which the

agency planned to select approximately ten of the most highly qualified offerors to move on to phase II. In phase I, offerors submitted technical proposals that were evaluated against the following factors: technical approach; experience; past performance; and safety. Agency Report (AR), Tab 2, RFP at 46. Technical approach was rated acceptable or unacceptable. *Id.* at 45. The remaining phase I evaluation factors were each assigned a confidence rating of outstanding, acceptable, satisfactory, or unacceptable. AR, Tab 5, Source Selection Advisory Council Report (SSAC) at 3.

As relevant to this protest, with respect to experience, offerors were required to submit a minimum of three and a maximum of five relevant construction projects that were completed within the past eight years before the date the RFP was issued. AR, Tab 3, RFP, amend. 4 at 16. Offerors were also required to submit a minimum of three and a maximum of five relevant design projects. There were two ways for a design experience project to be relevant:

- (a) [the project was completed] within the past eight years before the date of issuance of the RFP, regardless of the design completion date, OR
- (b) if the construction effort is ongoing, but the design effort was completed within the past eight years before the date of issuance of the RFP.

*Id.* at 17. In response to questions from potential offerors, the agency further clarified that to meet criteria (a), construction must have been completed within the eight years before the date the RFP was issued. To meet criteria (b), construction must be ongoing (i.e., not yet completed), with design having been completed within the eight years before the RFP was issued. AR, RFP amend. 5 at 9, Questions and Answers No. 47.

Offerors were required to complete a construction and design experience data sheet for each construction and design project they submitted. AR, Tab 3, RFP, Amend. 4 at 16-17, 24. The construction and design experience data sheet included columns to enter the design award and completion date and the construction award and completion date.

GSI submitted five projects to demonstrate its design experience. For two design projects, GSA entered TBD (to be determined) for the construction start and completion dates. For a third design project, GSI entered NA (not applicable) for the construction start and completion dates. The agency evaluated these three projects as not relevant because it could not determine if construction had started, was completed, or was in progress. AR, Tab 4, Technical Evaluation Team (TET) Report at 87-90; Memorandum of Law (MOL) at 6. The agency explained that GSI “only provided a design completion date and did not clearly provide information that construction effort is ongoing or completed[.]” AR, Tab 4, TET Report at 88. Since GSI did not have the minimum three required projects for design experience, the agency evaluated GSA as unacceptable under the experience factor. *Id.* at 89. GSI was not invited to participate in phase II. After receiving a preaward debriefing from the agency, this protest followed.

## DISCUSSION

GSI protests that the agency unreasonably evaluated its proposal as unacceptable under the experience factor. GSI has raised several arguments, which we have considered. We do not address each argument, but we have found no basis to find that the agency unreasonably evaluated GSI's proposal.

The crux of GSI's protest is that for its three design projects where construction was not complete--that is, construction was ongoing--there is no construction completion date, so it was appropriate to enter TBD (to be determined) or NA (not applicable) in the construction start and completion date columns for these design projects. GSI asserts that to the extent the agency contends that it could not tell if construction had been started, this is irrelevant. According to GSI, construction that is ongoing includes construction that has not yet started. To support this position, GSI notes that in clarifying how an offeror could meet the design experience requirement the agency stated that "construction must be ongoing (*i.e.*, not yet completed), with design having completed within the past eight years of the issuance of the RFP." AR, RFP amend. 5 at 11, Questions and Answers No. 47. GSI reasons that a project that has not yet started meets the requirement for an ongoing project because it has not been completed.

The agency contends that GSI did not provide the necessary information for the agency to determine whether construction on these three design projects was ongoing or had been completed. MOL at 9-10. In particular, the agency states that GSI did not explain what it meant by listing "TBD" or "NA" in the relevant construction award and completion date fields. *Id.* at 10-11. The agency maintains that it "reasonably interpreted GSI's responses in these fields to mean that construction has not been awarded for any of these three design projects, has not been completed and, thus, cannot possibly be ongoing." *Id.* at 13.

On this record, we find the agency's evaluation was reasonable. The solicitation permitted offerors to meet the design experience requirement if the design project was completed within the past eight years and the construction project was ongoing. If an offeror did not provide a construction start or completion date, the agency could not determine if the construction project was ongoing or had been completed. GSI listed TBD or NA for the construction start and completion dates on three of its projects but did not otherwise explain what that meant or provide any explanation about the status of the construction on those projects.<sup>1</sup> As a result, the agency was unable to determine

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<sup>1</sup> We also disagree with GSI's contention that if construction was ongoing, there is no construction start date, so it was appropriate to put TBD for the construction start date. If construction was ongoing, it may have been reasonable for GSI to insert TBD or NA for the construction completion date. That is, there was no construction completion date  
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whether these projects fit the definition of a design project that had been completed while construction was ongoing. Accordingly, the agency properly determined that these three projects were not relevant because the agency could not determine if they met the relevance requirement for design projects as defined by the solicitation.

### Unequal Treatment

GSI protests that the agency engaged in disparate treatment in evaluating its proposal. Specifically, GSI asserts that several other offerors inserted NA or TBD in the construction start and/or completion date fields for their design or construction projects but were evaluated as acceptable.

Where a protestor alleges unequal treatment in a technical evaluation, the protestor must show that the differences in the agency's ratings did not stem from differences in the offerors' proposals. See, e.g., *Sumaria Systems, LLC*, B-422527.3, B-422527.4, Oct. 23, 2024, at 12. Here, we find no evidence of disparate treatment.

GSI was not evaluated as unacceptable under the experience factor for the use of TBD or NA as construction start and completion dates for its construction projects. GSA was eliminated because GSI did not provide at least three design experience projects that met the definition of relevance as required by the solicitation.

GSI asserts that the agency engaged in disparate treatment because other offerors also used NA and TBD but were evaluated as acceptable. For those offerors, however, the agency determined that they met the design experience requirement by providing at least three design projects. For example, GSI asserts that offeror A wrote NA in the construction start and construction completion dates for one of its design projects. However, the agency explains that offeror A had construction start and construction completion dates for four other design projects. Supp. MOL at 6-7. Thus, offeror A met the requirement to provide at least three relevant design projects. As another example, GSI asserts that offeror M wrote "N/A Design Only" in the construction award and completion dates for one of its design projects. However, the agency explains that Offeror M's other four design projects showed that design work was completed within 8 years of when the solicitation was issued and had construction completion dates within 8 years of the solicitation, demonstrating that they met the definition of relevant. *Id.* at 9. Thus, offeror M also had at least three design projects as required. Accordingly,

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yet, so it was appropriate to indicate this by putting TBD or NA in the construction completion date. It was not, however, appropriate or reasonable to put TBD or NA for the construction start date as ongoing construction had to have started on a certain date.

since these offerors, unlike GSI, demonstrated design experience on at least 3 relevant projects the agency did not engage in disparate treatment in evaluating GSI's proposal.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel