



DOCUMENT FOR PUBLIC RELEASE

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

Decision

Matter of: SOLPAC Construction, Inc., d/b/a Soltek Pacific Construction Company;
The Whiting-Turner Contracting Company

File: B-424537; B-424537.3; B-424537.6

Date: September 4, 2026

Kirk J. McCormick, Esq., Ruberto, Israel & Weiner, P.C., for Soltek Pacific Construction Company; and Steven J. Weber, Esq., Michael A. Branca, Esq., and Stormy Mayfield, Esq., Peckar & Abramson, PC, for The Whiting-Turner Contracting Company, the protesters.

Deana R. Jaeger, Esq., Erin L. Hernandez, Esq., and R. Erik Hensley, Esq., Department of the Navy, for the agency.

Uri R. Yoo, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protests challenging agency's past performance evaluation and exclusion of protesters' proposals from competition is denied where, consistent with the solicitation, the agency reasonably considered the information retrieved from the Contractor Performance Assessment Reporting System regarding the protesters' recent and relevant performance.

DECISION

SOLPAC Construction, Inc., d/b/a Soltek Pacific Construction Company, of San Diego, California, and The Whiting-Turner Contracting Company, of Baltimore, Maryland, protest the exclusion of their proposals from the competition conducted under request for proposals (RFP) No. N62473-25-R-3426, issued by the Department of the Navy, Naval Facilities Engineering Systems Command Southwest (NAVFAC SW) for the construction, renovation, and repair of commercial and institutional facilities in six southwestern states. The protesters challenge the evaluation of their proposals under the past performance factor and the agency's decision to exclude them from the second phase of the competition.

We deny the protests.

BACKGROUND

The Navy issued the solicitation on September 12, 2025, seeking contractors to provide construction, renovation, and repair of commercial and institutional facilities, using alternative construction methods, at government installations in California, Arizona, Nevada, Utah, Colorado, and New Mexico. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 2; Agency Report (AR), Tab 2, RFP at 2, 8.¹ The RFP contemplated the award of up to eight indefinite-delivery, indefinite-quantity construction contracts for a base period of two years with three 1-year options. RFP at 24, 57.

The procurement was conducted under the two-phase, design-build provisions of Federal Acquisition Regulation (FAR) subpart 36.3. *Id.* at 8. Under phase one, the phase at issue in this protest, the agency would evaluate proposals using the following four factors: (1) technical approach; (2) experience; (3) past performance; and (4) safety. *Id.* at 11. Under the technical approach factor, proposals would be evaluated as either acceptable or unacceptable, and proposals rated unacceptable would not be eligible to proceed to the second phase. *Id.* at 10-11. The experience and safety factors were of equal importance and, when combined, were equal in importance to past performance. *Id.* at 11. The agency contemplated selecting up to eight offerors to proceed to the second phase of the competition. *Id.* at 8.

Under the experience factor, offerors were instructed to submit a maximum of five relevant construction projects and five relevant design projects that "best demonstrate experience on projects that are similar in size, scope, and complexity to projects that may be ordered" under the instant solicitation. *Id.* at 12, 13. For this factor, relevant projects were "further defined as new construction, renovation, and/or repair of commercial and institutional facilities using [alternative construction methods], with a construction cost of \$15,000,000 or more." *Id.* The evaluation of experience would be based on the offerors' "demonstrated experience and depth of experience in performing relevant construction and design projects as defined in the solicitation submittal requirements." *Id.* at 14.

Under the past performance factor, the solicitation instructed offerors to submit, if available, final or interim contractor performance assessment reporting system (CPARS) evaluations "for each project included in Factor 2 - Experience" and to submit a past performance questionnaire (PPQ) for those projects only if interim or final CPARS reports were not available. *Id.* Offerors were invited to "provide any information on problems encountered and the corrective actions taken on projects

¹ The RFP was amended six times. Soltek COS/MOL at 2; Whiting-Turner COS/MOL at 2. Unless otherwise noted, citations to the solicitation are to the version provided in tab 2 of the respective agency reports. Additionally, the agency assigned sequential BATES page numbers to the entire record. All citations are to that numbering system.

submitted” under the experience factor and to address any adverse past performance issues. *Id.*

The solicitation provided that the evaluation of past performance would “focus[] on how well the Offeror’s Team performed on the recent, relevant projects submitted under Factor 2 - Experience.” *Id.* As relevant here, the solicitation further advised as follows:

In addition to the above, the Government reserves the right to obtain information for use in the evaluation of past performance from any and all sources including sources outside of the Government. Other sources may include, but are not limited to, past performance information retrieved through CPARS using all [commercial and government entity/unique entity identifier (CAGE/UEI)] numbers of the Offeror's Team, inquiries of owner representative(s), SAM.gov, Electronic Subcontract Reporting System . . . and any other known sources not provided by the Offeror.

Id. at 14-15.

Offerors were informed that the agency would “consider the recency and relevance of the information, the source of the information, context of the data, and general trends in the Contractor’s and design team’s performance.” *Id.* at 15. “For the purpose of the past performance factor,” the solicitation defined recency as “the seven (7) year period prior to the initial RFP issuance date.” *Id.* at 10. Relevancy, “[a]s it pertains to past performance information,” was defined as “a measure of the extent of similarity between the service/support effort, complexity, dollar value, contract type, and subcontract/teaming or other comparable attributes of past performance examples and the solicitation requirements.” *Id.* The solicitation further provided that past performance ratings of “Substantial Confidence” or “Satisfactory Confidence” would be considered more favorably than a “Neutral Confidence” assigned to offerors with no relevant past performance history, while a rating of “No Confidence” would be ineligible for award. *Id.* at 15.

On November 18, 2025, the agency responded to questions from prospective offerors by issuing a solicitation amendment. COS/MOL at 3; see AR, Tab 7, RFP amend. 0005 at 108-114. As relevant here, question number 21, and the agency’s response, was as follows:

Clarification Request

If an Offeror has a qualifying project with an interim CPARS that has a “marginal” rating on one evaluation item which was then corrected to a “satisfactory” rating in the Final CPARS, please confirm that the Final CPARS will take precedence and the project will be evaluated as having a “satisfactory” rating for that evaluation item.

Government Response

CPARS will be checked during the evaluation phase of the solicitation. Both Interim and Final CPARS ratings are considered as long as it has been submitted and finalized in the CPARS system after receipt of proposals and at the time the evaluations are conducted.

Id. at 110.

On December 4, Soltek and Whiting-Turner timely submitted their phase one proposals in response to the solicitation. Soltek COS/MOL at 8; Whiting-Turner COS/MOL at 8. The agency evaluated the proposals as follows:

	Soltek	Whiting-Turner
Technical Approach	Acceptable	Acceptable
Experience	Outstanding	Outstanding
Past Performance	Satisfactory Confidence	Satisfactory Confidence
Safety	Outstanding	Outstanding

Soltek COS/MOL at 8; Whiting-Turner COS/MOL at 8; AR, Tab 10, Soltek Evaluation Report at 175; AR, Tab 14, Whiting-Turner Evaluation Report at 185.

In assigning Soltek's past performance a rating of satisfactory confidence, the agency found that the past performance information Soltek submitted for five construction projects and five design projects indicated "a history of successful performance, as evidenced by the six (6) relevant projects with a higher than Satisfactory rating." AR, Tab 10, Soltek Evaluation Report at 175-176. The agency also noted that a search of the CPARS database "revealed relevant adverse past performance of the Offeror which consists of four (4) CPARS evaluations that contained Marginal ratings including one (1) where the Assessing Official would not recommend for future work." *Id.* at 176. The agency noted these four additional CPARS evaluations as weaknesses but concluded that "the other positive evaluations in CPARS, as well as the five (5) CPARS/PPQ evaluations submitted in the proposal for the Offeror, indicate that the adverse information does not represent a trend of poor performance." *Id.*

The agency also assigned a past performance rating of satisfactory confidence to Whiting-Turner's proposal, finding that the past performance information submitted for five construction projects and five design projects indicated "a history of successful performance, as evidenced by the nine (9) relevant projects with a higher than Satisfactory rating." AR, Tab 14, Whiting-Turner Evaluation Report at 185. The agency noted that a search of the CPARS database "revealed relevant adverse past performance of the Offeror which consists of 10 CPARS evaluations that contained Marginal ratings including one (1) where the Assessing Official would not recommend for future work." *Id.* The agency considered these additional CPARS evaluations to be weaknesses but concluded that "the other positive evaluations in CPARS, as well as the five (5) CPARS/PPQ evaluations submitted in the proposal for the Offeror, indicate that

the adverse information does not represent a trend of poor performance.” *Id.* at 185-186.

Based on the evaluation of Soltek’s and Whiting-Turner’s phase one proposals, the agency determined that neither offeror was one of the most highly qualified offerors and excluded them from the second phase of the competition. Soltek COS/MOL at 8; Whiting-Turner COS/MOL at 8-9; AR, Tab 12, Soltek Unsuccessful Offeror Notice at 179; AR, Tab 17, Whiting-Turner Unsuccessful Offeror Notice at 330. After requesting and receiving pre-award debriefings, Soltek and Whiting-Turner filed these protests.

DISCUSSION

The protesters challenge the evaluation of their phase one proposals, arguing that the agency’s past performance evaluation was unreasonable and contrary to the terms of the solicitation. Specifically, the protesters contend that the agency unreasonably relied on negative information for projects retrieved from the CPARS database, without assessing whether they were recent and relevant, rather than on positive information from recent and relevant projects submitted by the protesters. Soltek Protest at 9-11; Soltek Comments at 2-4; Whiting-Turner Protest at 4-7; Whiting-Turner Comments & Supp. Protest at 2-6. The protesters also argue that the agency improperly considered information in interim CPARS evaluations when final CPARS evaluations with better ratings were available. Soltek Protest at 7-9; Whiting-Turner Protest at 7-9. For the reasons discussed below, we deny the protests.²

At the outset, we note that when a protester challenges an agency’s evaluation of past performance, we will review the evaluation to determine if it was reasonable and consistent with the solicitation’s evaluation criteria and procurement statutes and regulations, and to ensure that it is adequately documented. *Jacobs Tech., Inc.*, B-420016, B-420016.2, Oct. 28, 2021, 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 that we will not disturb unless the agency’s assessments are unreasonable or inconsistent with the solicitation’s evaluation criteria. *CrowderGulf, LLC, et al.*, B-418693.9 *et al.*, Mar. 25, 2022, at 20; *Metropolitan Interpreters & Translators, Inc.*, B-415080.7, B-415080.8, May 14, 2019, at 10. Accordingly, we will not substitute our judgment for reasonably based past performance evaluation ratings. *Nexsys Elecs. Inc., d/b/a Medweb*, B-419616.4, Jan. 7, 2022, at 5. A protester’s disagreement with the agency’s evaluation judgments concerning the merits of past performance does not establish that the evaluation was unreasonable. *Matson Navigation Co., Inc.*, B-416976.2 *et al.*, Jan. 24, 2019, at 5.

² While this decision does not discuss all of the protesters’ collateral arguments challenging the agency’s past performance evaluation, we have considered each one and find that none provides a basis to sustain the protests.

Additional CPARS Information

The protesters contend that the Navy improperly considered negative information for projects retrieved from the CPARS database when those projects had not been submitted as part of the protesters' proposals. Soltek Comments at 2-4; Whiting-Turner Protest at 4-7. In this regard, both protesters argue that the solicitation only permitted the agency to consider CPARS information on projects that an offeror identified in its proposal under the experience factor. Soltek Protest at 8; Whiting-Turner Comments & Supp. Protest at 2-6. The protesters also argue that it was improper for the agency to rely on additional CPARS information without assessing whether that information met the solicitation's recency and relevancy requirements when more recent and relevant (but positive) evaluations were available in the CPARS database. Soltek Protest at 9-11; Whiting-Turner Protest at 4-7. Soltek additionally asserts that the CPARS data was not relevant because it was for projects that did not include alternative construction methods as required by the solicitation. Soltek Protest at 9-10. Whiting-Turner, in turn, questions the projects' relevance because they involved other agencies and different locations than the instant requirement. Whiting-Turner Protest at 7.

The agency responds that it searched the CPARS database as permitted by the solicitation and considered the evaluations of recent and relevant commercial and institutional facility construction projects performed by the protesters during the seven years preceding the solicitation's issuance. Soltek COS/MOL at 7-8, 13-16; Whiting-Turner COS/MOL at 9-15. We find no basis to question the agency's evaluation.

In conducting a past performance evaluation, an agency has discretion to determine the scope of the offerors' performance histories to be considered, provided all proposals are evaluated on the same basis and consistent with the solicitation requirements. *Sterling Med. Assocs., Inc.*, B-421659.6, Mar. 7, 2025, at 7. Moreover, an agency is not limited to considering only the information provided within the "four corners" of an offeror's proposal when evaluating past performance. *Brown Point Facility Mgmt. Sols., LLC*, B-420299, Jan. 24, 2022, at 4.

As an initial matter, we reject the protester's argument that the agency was limited to considering only past performance information about the offerors' submitted experience projects. While the solicitation informed offerors that the past performance evaluation would "focus[] on how well the Offeror's Team performed on the recent, relevant projects submitted under Factor 2 - Experience," it also advised that "[i]n addition to" those submitted projects, the agency could "obtain information for use in the evaluation of past performance from any and all sources." RFP at 14-15. Such additional sources specifically included "past performance information retrieved through CPARS using all CAGE/UEI numbers of the Offeror's Team." *Id.* at 15. Given the broad solicitation language reserving the government's rights, we see no basis for the protester's argument that the agency's past performance evaluation was limited to the projects listed in the offerors' proposals.

We also find no basis for the protesters' challenge to the agency's relevancy determinations with respect to the additional CPARS records. As noted above, in addition to considering the proposal information submitted by the offerors, the agency searched the CPARS database using the offerors' CAGE/UEI numbers. For Soltek, the agency found "relevant adverse past performance of the Offeror which consist[ed] of four (4) CPARS evaluations that contained Marginal ratings including one (1) where the Assessing Official would not recommend for future work." AR, Tab 10, Soltek Evaluation Report at 176. The agency also found adverse past performance information for Whiting-Turner, which consisted of "10 CPARS evaluations that contained Marginal ratings including one (1) where the Assessing Official would not recommend for future work." AR, Tab 14, Whiting-Turner Evaluation Report at 185. For each of the additional CPARS evaluations considered, the evaluators noted that the evaluation was "considered relevant" because the referenced project was "within the scope of this [multiple award construction contract]." AR, Tab 10, Soltek Evaluation Report at 176; AR, Tab 14, Whiting-Turner Evaluation Report at 185.

Although the protesters disagree with the agency's relevancy determinations, they fail to offer a sufficient basis to question the agency's judgment.³ For example, Soltek contends that it was unreasonable for the agency to "downgrade[]" Soltek on the basis of a CPARS evaluation for the "[DELETED]" project in [DELETED], because the project did not involve alternative construction methods and because Soltek took "corrective measures [] during and at the conclusion of that project." Soltek Protest at 9-10. Soltek also argues that the agency's evaluation should have chosen other performance examples in the CPARS database with more recent, more relevant, and more favorable evaluations than the [DELETED] project. See *id.* at 9-11, Soltek Comments at 5-6. The agency responds that it reasonably, and consistent with the solicitation, considered the [DELETED] project to meet the solicitation's definition for recent and relevant past performance information. Soltek COS/MOL at 15-16.

As an initial matter, we find that Soltek's allegation relies on the wrong relevancy definition. The section of the solicitation cited by Soltek for this standard described the submission requirements and evaluation criteria for the *experience* factor, not the past performance factor. RFP at 12, 13. In this regard, the section included detailed definitions for "relevant projects" specifically "[f]or the purpose of" evaluating construction *experience* and design *experience*. *Id.* These relevancy definitions encompassed specific dollar thresholds and types of construction/design, including the use of alternative construction methods. *Id.* "As it pertains to past performance information," however, the solicitation provided a different definition of relevancy: "a measure of the extent of similarity between the service/support effort, complexity,

³ Soltek also contends that the contemporaneous documentation is insufficient to show the reasonableness of the agency's relevancy findings for the additional CPARS evaluations. See Soltek Comments at 5-6. Soltek fails to offer any evidence, however, to rebut the agency's conclusion that these additional projects were within the scope of the requirement. See AR, Tab 10, Soltek Evaluation Report at 176.

dollar value, contract type, and subcontract/teaming or other comparable attributes of past performance examples and the solicitation requirements.” *Id.* at 10. Notably, this definition did not contain any requirement that projects use alternative construction methods. *Id.* The agency reasonably determined that the [DELETED] project at issue was both recent (evaluated on February 6, 2024) and relevant (construction of a simulator facility for the Navy) under the solicitation’s definitions of recency and relevancy for past performance information. Soltek COS/MOL at 15-16; AR, Tab 10, Soltek Evaluation Report at 175-176. On this record, we find no support for Soltek’s assertion that only projects using an alternative construction method were relevant for the purpose of past performance evaluation.

Moreover, although Soltek asserts that its corrective actions on the project should have outweighed any negative considerations, the agency was not required to disregard the marginal ratings in the CPARS evaluation for the project. An agency’s past performance evaluation may be based on a reasonable perception of a contractor’s prior performance, regardless of whether the contractor disputes the agency’s interpretation of the underlying facts or the significance of those facts. *PAE Aviation & Tech. Servs. LLC*, B-413338, B-413338.2, Oct. 4, 2016, at 5. While consideration of past performance trends and corrective actions is generally appropriate, an agency is not required to ignore instances of negative past performance. *Id.* Here, despite the protester’s assertion that “corrective measures Soltek took during and at the conclusion of that project” cured any issues, Soltek Protest at 10, the final CPARS for the project continued to reflect marginal ratings for quality, schedule, and management, as well as a “WOULD NOT recommend” assessment. See AR, Tab 10, Soltek Evaluation Report at 176. The agency considered these ratings and assessment, as well as the information in Soltek’s proposal addressing these “adverse past performance issues,” when it evaluated the CPARS record as a weakness but ultimately concluded that “the adverse information does not represent a trend of poor performance.” *Id.* On this record, we find no basis to question the agency’s reasoned evaluation.

Similarly, the record does not support Whiting-Turner’s assertion that the evaluation improperly downgraded the firm’s past performance by considering “inaccurate or unreconciled” information from the CPARS database. In this regard, Whiting-Turner argues that its performance on a new engineering and analytical center project in [DELETED] should not have been noted as a weakness because the associated marginal CPARS rating was successfully refuted and the overall evaluation was revised to “would recommend.” Whiting-Turner Protest at 8-9. The agency responds that it did evaluate the final and reconciled CPARS evaluation and appropriately noted that the assessing official for that project “WOULD recommend” the contractor. Whiting-Turner COS/MOL at 18-20; see AR, Tab 14, Whiting-Turner Evaluation Report at 187. The agency also reasonably identified the CPARS as a weakness, however, as the final and revised CPARS report retained the marginal ratings for quality and management. *Id.* We find no basis to object to the agency’s evaluation of this project.

We also find unavailing Whiting-Turner’s argument that additional CPARS records considered by the agency were not relevant because “[o]nly one of the projects with

marginal ratings was a NAVFAC SW project,” with the remainder involving “other regions and unrelated agencies.” Whiting-Turner Protest at 7. The past performance evaluation criteria did not limit relevant projects to performance on NAVFAC SW projects, instead requiring “similarity between the service/support effort, complexity, dollar value, contract type, and subcontract/teaming or other comparable attributes of past performance examples and the solicitation requirements.” RFP at 10. As the agency notes, six of the ten additional CPARS evaluations considered were for “recent and relevant Navy contracts” for construction within the scope of the solicitation. Whiting-Turner COS/MOL at 14; see AR, Tab 14, Whiting-Turner Evaluation Report at 186-187. On this record, we find no basis to question the agency’s consideration of the additional CPARS information.

In addition, both protesters contend that the agency unreasonably considered negative CPARS records when there were numerous other (allegedly more recent and more relevant) performance examples in the CPARS database showing positive performance. Soltek Protest at 10-11; Whiting-Turner Protest at 4-7. For example, Whiting-Turner contends that the agency engaged in unreasonable “cherry-picking” by selecting marginal ratings for evaluation, which comprised only 2.8 percent of the firm’s 252 recent and relevant evaluations in the CPARS database. Whiting-Turner Protest at 5-6.

The agency responds that, contrary to Whiting-Turner’s contention otherwise, the evaluators considered all recent and relevant CPARS evaluations retrieved for Whiting-Turner, which amounted to 241 evaluations. Whiting-Turner COS/MOL at 11-12; see AR, Tab 15, Whiting-Turner CPARS Report Summary at 188-190. Of the 1,052 relevant individual category ratings for these CPARS evaluations, the agency found that “83 were Exceptional, 285 were Very Good, 655 were Satisfactory, and 29 were Marginal.” Whiting-Turner COS/MOL at 12; see AR, Tab 15, Whiting-Turner CPARS Report Summary at 188-190. Based on an assessment of the totality of these CPARS evaluations, the agency noted the “derogatory information on ten different relevant past performance efforts” as weaknesses. Whiting-Turner COS/MOL at 12; AR, Tab 14, Whiting-Turner Evaluation Report at 186-187; see AR, Tab 16, Whiting-Turner CPARS Reports at 191-329.

On this record, we find no basis to question the agency’s consideration of the protesters’ CPARS evaluations. As noted above, an agency is not required to ignore instances of negative past performance, even where there have been positive performance trends and corrective actions. See *PAE Aviation & Tech. Servs.*, *supra*. Here, rather than ignoring the protesters’ positive performance record in favor of the negative record, the agency considered the marginal CPARS ratings together with “the other positive evaluations in CPARS, as well as the . . . CPARS/PPQ evaluations submitted in the proposal[s],” to conclude that “the adverse information does not represent a trend of poor performance.” AR, Tab 10, Soltek Evaluation Report at 176; AR, Tab 14, Whiting-Turner Evaluation Report at 185-186. Based on this reasoned consideration of the protesters’ past performance records (positive evaluations together with the adverse information), the agency assigned both Soltek and Whiting-Turner an overall past performance rating of satisfactory confidence, rather than the highest rating

of substantial confidence. *Id.* Although the protesters disagree with the agency's conclusions, such disagreement, without more, does not establish that the agency's judgments were unreasonable. See *Matson Navigation Co., Inc., supra*.

Interim CPARS Information

The protesters also contend that the agency improperly considered interim CPARS ratings. Citing the solicitation instructions that required the submission of final or interim CPARS evaluations "for each project included in Factor 2," RFP at 14, Soltek argues that "[n]othing [in the solicitation] indicate[d] that interim ratings for unsubmitted projects would be considered." Soltek Protest at 8; Soltek Comments at 2-3. Whiting-Turner, in turn, argues that it was unreasonable for the agency to not differentiate between, or reconcile, interim and final CPARS evaluations, especially where a negative interim evaluation was improved in the final CPARS evaluation. Whiting-Turner Protest at 7-9; Whiting-Turner Comments & Supp. Protest at 7-10. The agency responds that its consideration of both interim and final CPARS evaluations was consistent with the solicitation. Soltek COS/MOL at 8-13; Whiting-Turner COS/MOL at 15-20.

Based on our review of the record, we find no basis to object to the agency's consideration of recent and relevant interim CPARS evaluations together with the final CPARS (if any) for the same project. As an initial matter, the plain language of the solicitation clearly informed offerors that the agency would consider both interim and final CPARS. As noted above, the solicitation specifically instructed the offeror to submit for past performance evaluation the interim and final CPARS information for the ten projects listed under the experience section of its proposal. RFP at 14. In addition, the agency responded to an offeror question by stating that "[b]oth Interim and Final CPARS ratings are considered as long as it has been submitted and finalized in the CPARS system after receipt of proposals and at the time the evaluations are conducted." AR, Tab 7, RFP amend. 0005 at 110. Moreover, the agency reserved the "right to obtain information for use in the evaluation of past performance from any and all sources" to specifically include the CPARS database. RFP at 15. Notably, this broad language did not limit the agency's consideration of additional CPARS information to only final evaluations.

As discussed above, in conducting a past performance evaluation, an agency has discretion to determine the scope of the offerors' performance histories to be considered, provided all proposals are evaluated on the same basis and consistent with the solicitation requirements. *Sterling Med. Assocs., Inc., supra*. Here, where the solicitation unequivocally informed offerors that the agency reserved the right to "obtain information for use in the evaluation of past performance" from the CPARS database and that "[b]oth Interim and Final CPARS ratings" would be considered, we find no basis to object to the agency's consideration of the protesters' recent interim evaluations. RFP at 14-15; AR, Tab 7, RFP amend. 0005 at 110.

Soltek also maintains that it was unreasonable for the agency to rely on the interim CPARS information because such information was "non-current and incomplete."

Soltek Protest at 8, 10. In this regard, Soltek contends that, because final CPARS evaluations are “by their nature, a more complete picture of a contractor’s performance,” it was unreasonable for the agency to rely on “less recent” interim CPARS reports when final CPARS reports were available for the same project. *Id.* Relatedly, Whiting-Turner argues that it was unreasonable for the agency to rely on interim CPARS evaluations because they were “not final assessments of completed contract performance.” Whiting-Turner Protest at 8. We disagree.

First, the interim CPARS evaluations considered by the agency were for performance completed within the seven years preceding the solicitation, thus meeting the RFP’s definition of recency. See RFP at 10. Moreover, as the agency notes, the FAR requires both annual past performance evaluations (*i.e.*, interim evaluations) as well as a final evaluation upon completion of the work under a contract. Soltek COS/MOL at 6-7; Whiting-Turner COS/MOL at 6-7; see FAR 42.1502(a). The agency further explains that a final CPARS evaluation is limited to the period of contractor performance occurring after the preceding interim evaluation and does not include cumulative information for the entire performance period. Soltek COS/MOL at 6-7; Whiting-Turner COS/MOL at 6-7; see AR, Tab 9, CPARS Guidance, Nov. 3, 2025, at 145 (“The final evaluation does not include cumulative information but is limited to the period of contractor performance occurring after the preceding evaluation.”). On this record, we find no basis to question the agency’s consideration of interim CPARS evaluations for performance within the seven years preceding the solicitation even where a final CPARS evaluation was available for that same project.

Finally, Whiting-Turner argues that the agency applied unstated evaluation criteria when it referred to the CPARS guidance in its evaluation of the interim CPARS evaluations. Whiting-Turner Comments & Supp. Protest at 11-12. Soltek also asserts that the agency applied an “unwritten policy” of “weighing interim CPARS data on *unsubmitted* projects more heavily than final CPARS data.” Soltek Comments at 4. We find that the protesters’ arguments are not supported by the record.

The solicitation here informed offerors that the past performance evaluation could include “information retrieved through CPARS,” RFP at 15, and as the agency points out, the CPARS guidance is a public document provided on the CPARS.gov website for all users of the CPARS database. Whiting-Turner Supp. COS/MOL at 6; see <https://www.cpars.gov/cparsweb/assets/documents/CPARS-Guidance.pdf> (last visited Aug. 31, 2026). Therefore, to the extent the agency used the CPARS guidance to aid its evaluation of the offerors’ interim and final CPARS data, we see no basis to object.

Moreover, contrary to Soltek’s contentions otherwise, we find nothing in the record to suggest that the agency weighed interim CPARS data “more heavily” than final CPARS data. See Soltek Comments at 4. Rather, the agency considered both interim and final CPARS evaluations, noted marginal ratings as weaknesses, and ultimately concluded that “other positive evaluations in CPARS . . . indicate that the adverse information does not represent a trend of poor performance.” AR, Tab 10, Soltek Evaluation Report at 176.

In sum, we find that the agency reasonably evaluated the protesters' past performance in accordance with the solicitation, considering the quality of the offerors' performance on recent and relevant projects, including both submitted projects and projects retrieved from the CPARS database. We also find that the agency reasonably assigned both protesters a rating of satisfactory confidence based on their relevant past performance records.⁴ *Id.*; AR, Tab 14, Whiting-Turner Evaluation Report at 185.

The protests are denied.

Edda Emmanuelli Perez
General Counsel

⁴ We also find unavailing Whiting-Turner's argument that it was improper for the agency to treat a "substantial confidence" rating as preferable to a "satisfactory confidence" rating without disclosing this preference in the solicitation. Whiting-Turner Protest at 9-10. The solicitation here disclosed both rating possibilities, albeit without spelling out the obvious fact that "substantial confidence" means more confidence than "satisfactory confidence." RFP at 15. We note, at any rate, that agencies are not required to inform offerors of their specific rating methodology. *See Babel Street, Inc.*, B-418730.5, B-418730.6, June 15, 2021, at 9.