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Decision

Matter of: Tetra Tech, Inc.

File: B-424146.2; B-424146.3

Date: September 22, 2026

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Thomas J. Warren, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the evaluation of the protester's proposal as unacceptable is denied where the agency reasonably assessed a deficiency in the protester's proposed key personnel for failing to satisfy the solicitation's minimum qualifications.
2. Protester is not an interested party to challenge the agency's past performance evaluation where the agency reasonably assessed a deficiency against the protester's proposal under the key personnel factor, thus rendering the proposal otherwise unacceptable and unawardable.

DECISION

Tetra Tech, Inc., of Pasadena, California, protests the award of a contract to Weston Solutions, Inc., of West Chester, Pennsylvania, under request for proposals (RFP) No. 68HE0324R0010, issued by the Environmental Protection Agency (EPA) for advisory and assistance services. Tetra Tech challenges the evaluation of its proposal under the key personnel and past performance factors.

We deny the protest in part and dismiss it in part.

BACKGROUND

On September 24, 2024, the EPA issued the solicitation contemplating the award of an indefinite-delivery indefinite-quantity contract known as the Superfund Technical

Assessment and Response Team (START) VII contract. Contracting Officer's Statement (COS) at 1; Agency Report (AR), Exh. 2, RFP at 1.¹ The purpose of the START VII contract is to provide advisory and assistance services, including site assessment and remedial activities, in support of EPA's broad responsibilities in EPA region 3.² *Id.*; AR, Exh. 3, Performance Work Statement (PWS) at 5. The solicitation included time-and-materials, labor-hour and cost-reimbursement requirements, and specified an ordering period of 4 years and 6 months. RFP at 9, 115. Tetra Tech is the incumbent currently performing under the predecessor contract, START VI. Protest at 3.

The RFP indicated that EPA would award the contract to the offeror whose proposal "conforms to the solicitation and is most advantageous to the Government cost or other factors considered." *Id.* at 134. The solicitation specified "all evaluation factors other than cost or price when combined are significantly more important than cost or price[.]" and identified four non-cost factors in descending order of importance: key personnel; past performance; experience; and contract management. *Id.* at 134-135.

For the key personnel factor, the RFP required each offeror to "demonstrate its ability to provide qualified, experienced emergency response personnel[.]" and indicated that offerors' proposals "will be evaluated on [their] ability to provide and equip experienced and trained key personnel." *Id.* at 117, 134. The solicitation explained that proposals under the key personnel factor would be evaluated "based on the degree to which the proposed approach meets or does not meet the minimum performance or capability requirements through an assessment of the strengths, weaknesses, deficiencies, and risks of a proposal." *Id.* at 135. A proposal would be rated "unacceptable for purposes of an award" if it did "not meet requirements" and if it "contains one or more deficiencies." *Id.*

As relevant here, for the key personnel evaluation, the solicitation required offerors to propose eight qualified environmental technicians. *Id.* at 58, 117. In this regard, RFP attachment H-1 specified three alternative combinations to meet the minimum education and experience requirement for environmental technicians: (1) a bachelor of science or master of science degree in environmental science or a related field, with no experience required; (2) an associate's degree in environmental science or a related field and at least two years of direct experience in a variety of identified environmental response operations; or (3) no degree and at least five years of such experience. AR, Exh. 11, RFP amend. 0011, attach. H-1 at 22.

The solicitation also provided for an evaluation of offerors' past performance under existing and prior contracts of similar size, scope, and complexity. RFP at 134. In this

¹ Unless otherwise noted, citations to the record use the document's original pagination.

² EPA region 3 includes Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia. Protest at 3.

regard, the agency would consider information received through past performance questionnaires and information obtained from other sources. *Id.* at 134-137.

After evaluating proposals, the EPA initially awarded the contract to Weston on November 13, 2025. Following a protest by Tetra Tech, the agency elected to take corrective action, and our Office dismissed the protest as academic on December 19. *See Tetra Tech, Inc.*, B-424146, Dec. 19, 2025 (unpublished).

As part of corrective action, the agency established a new technical evaluation panel (TEP) and requested revised proposals by March 13, 2026. COS at 2. Both Tetra Tech and Weston submitted timely revised proposals. *Id.* In conducting the evaluation, the TEP identified several weaknesses and deficiencies in Tetra Tech's key personnel proposal, including a deficiency that Tetra Tech had proposed only seven of the eight required environmental technicians. *Id.* at 3; AR, Exh. 12, Technical Evaluation Report at 8-9. The agency elected to open discussions and thereafter submitted a discussions letter to Tetra Tech, identifying these weaknesses and deficiencies, and requesting final revised proposals by May 6. COS at 3; AR, Exh. 15 at 2.

Tetra Tech submitted a timely final revised proposal, and among other proposal revisions added a resume for an eighth environmental technician. COS at 3; AR, Exh. 14, Tetra Tech Final Revised Proposal at 200-201. The resume listed the individual's education and experience qualifications as a bachelor of arts degree and approximately two months of relevant experience. *Id.* Tetra Tech's proposal also noted that the agency had recently approved this individual to perform as an environmental technician supporting the incumbent START VI contract. *Id.*

When evaluating final revised proposals, the agency determined that Tetra Tech's proposed eighth environmental technician did not satisfy the solicitation's minimum education and experience requirements:

[T]he TEP determined that the newly proposed eighth Environmental Technician [] did not meet the minimum qualification requirements of Attachment H-1. [The proposed individual] held a [bachelor of arts] in Environmental Science and had approximately two months of relevant experience, but the solicitation required a minimum of two years of experience for individuals without a qualifying [bachelor of science / master of science] degree.[] This resulted in a new deficiency, introduced during discussions through Tetra Tech's own revisions. Because the offeror's [final revised proposal] still failed to meet a mandatory, minimum personnel requirement, the proposal remained technically Unacceptable under the most important factor.

AR, Exh. 15, Source Selection Decision Document (SSDD) at 4. The agency therefore assessed Tetra Tech's proposal with a deficiency and rated Tetra Tech's proposal unacceptable under the key personnel factor. *Id.* at 3-6.

On June 11, the EPA reaffirmed the award to Weston and notified Tetra Tech. COS at 6. Tetra Tech received a debriefing on June 18 and then filed this protest.

DISCUSSION

Tetra Tech challenges the evaluation of its proposal under the key personnel and past performance factors. As discussed below, we find no basis to sustain Tetra Tech's protest.³

Evaluation of Protester's Key Personnel

The protester contends that the agency unreasonably evaluated Tetra Tech's proposal as unacceptable under the key personnel factor. Protest at 13-16. Specifically, the protester argues that EPA unreasonably assigned a deficiency based on the failure of Tetra Tech's environmental technician to meet the RFP's minimum requirements when the agency had previously approved this same individual to perform in the same position on the incumbent contract. *Id.*; Comments & Supp. Protest at 2-8. Tetra Tech further asserts that the record fails to explain why the agency made "two [] entirely irreconcilable decisions with respect to [this individual's] qualifications for the same position[.]" Supp. Comments at 4.

The EPA argues that its evaluation of Tetra Tech's key personnel proposal was reasonable and consistent with the solicitation. Memorandum of Law at 6-8. The agency explains that Tetra Tech's final revised proposal failed to demonstrate that the eighth environmental technician's qualifications met the solicitation's minimum requirements, rendering the proposal unacceptable and unawardable. *Id.* The agency contends that Tetra Tech does not dispute that it failed to satisfy these express solicitation requirements--but instead focuses on actions taken during the administration of the incumbent contract that are irrelevant to the reasonable evaluation the agency conducted here. *Id.*

When reviewing a protest challenging an agency's evaluation, our Office will not reevaluate proposals, nor will we substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency's discretion. *SOC LLC*, B-420806, Aug. 30, 2022, at 3. Rather, we will review the record to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. *Hurricane Consulting, Inc.*, B-423839 *et al.*, Jan. 2, 2026, at 4-5.

Here, we see no basis to sustain Tetra Tech's protest. As an initial matter, we agree with the agency that the protester does not meaningfully dispute the EPA's conclusion

³ Throughout the course of the protest Tetra Tech raised various ancillary arguments in addition to, or in variation of, those discussed below. While we do not specifically address all of the protester's arguments, we have considered them all and find that none provides a basis to sustain the protest.

that the proposed eighth environmental technician did not satisfy the solicitation's minimum education and experience requirements.⁴ See Protest at 1-16; Comments and Supp. Protest at 1-11; Supp. Comments at 1-9. Instead, Tetra Tech contends that the agency was required to find the individual qualified simply because the agency previously approved this individual for the same position under the incumbent contract. *Id.* We disagree.

Our Office has consistently found that an offeror's proposal of an incumbent employee does not, by itself, establish that the proposal complies with the minimum qualification requirements in a subsequent solicitation. See, e.g., *Abacus Tech. Corp.; SMS Data Prods. Grp., Inc.*, B-413421, *et al.*, Oct. 28, 2016 at 11 ("Merely proposing an incumbent employee . . . does not establish that the individual fulfills the requirements under a subsequent solicitation."). Indeed, we have explained that an agency's actions during a prior procurement are irrelevant to the legal propriety of actions taken in connection with a subsequent procurement because each procurement stands on its own. See, e.g., *SOC LLC, supra* at 12 n.4 (rejecting argument that the evaluation was unreasonable "because the agency previously approved its candidates for these roles during performance of the incumbent contract"); see also *Mainstream IP Sols.*, B-418722, July 14, 2020, at 3-4 (rejecting argument that agency evaluators should have used personal knowledge of individual's performance on incumbent project to find individual acceptable under solicitation criteria).

We reach the same conclusion here. Any approval Tetra Tech obtained during the administration of the incumbent contract has no bearing on the question of whether Tetra Tech's proposal met the minimum qualification requirements under this RFP. We therefore reject the argument that EPA's approval of the same environmental technician, for performance on the incumbent contract, obligated the agency to disregard clearly stated solicitation requirements that Tetra Tech's proposal failed to satisfy. *SOC LLC, supra*; see also *Hurricane Consulting, Inc., supra* at 7-8 (upholding a key-personnel deficiency notwithstanding the argument that the candidate was currently performing the position under the incumbent contract).

We also ascribe no significance to the fact that Tetra Tech's proposal notified the agency that this same individual was performing on the incumbent contract. Tetra Tech asserts that because the proposal notified the agency that the individual was approved to perform on the incumbent contract, the "agency does not have license to ignore information in a proposal that is readily apparent." Protest at 16 (quoting *J.R. Conkey & Assocs., Inc. d/b/a Solar Power Integrators*, B-406024.4, Aug. 22, 2012, at 4-5). In this

⁴ We note that the record clearly establishes that the environmental technician did not meet the solicitation's minimum education and experience requirements. See AR, Exh. 15, SSDD at 4. In this regard, her bachelor of arts degree and two months of relevant experience did not satisfy any of the three minimum qualification requirements set forth in RFP attachment H-1. *Id.*; compare AR, Exh. 14, Tetra Tech Final Revised Proposal at 200-201 with AR, Exh. 11, RFP amend. 0011, attach. H-1 at 22.

regard, Tetra Tech suggests that because agency evaluators were aware that the agency had previously approved this individual to perform in the same environmental technician position, the evaluators had no basis to find this individual's qualifications unacceptable under the solicitation criteria.⁵ Protest at 15-16. We disagree.

Here, the solicitation identified clear qualification requirements each environmental technician must satisfy. We see no requirement in the RFP, and Tetra Tech has identified none, that would obligate--or even authorize--the agency to consider current incumbent performance as a substitute for meeting the position's minimum qualification requirements. Put simply, even assuming the agency previously approved the individual to perform the same position under the incumbent contract--and Tetra Tech notified the agency of that fact in its proposal--the agency was not required to overlook the proposal's failure to satisfy the minimum qualifications expressly required by the instant solicitation. *Mainstream IP Sols.*, *supra*; see also *XTec, Inc.*, B-418619 *et al.*, July 2, 2020, at 13 n.7 (noting that agency's purported familiarity with protester's key personnel on the incumbent contract was irrelevant to the evaluation for the follow-on contract).

We also find unpersuasive Tetra Tech's argument that the agency was required to justify the "difference in treatment" between EPA's approval of the environmental technician for performance on the incumbent contract and EPA's subsequent rejection of this same individual in this procurement. In support of this argument, Tetra Tech contends that our decision in *CIGNA Gov't Servs., LLC*, B-401062.2, B-401062.3, May 6, 2009, is instructive and offers a useful analog that we should apply to these facts. In this regard, Tetra Tech contends that the evaluation record here is insufficient because it fails to include any explanation for EPA's different treatment of the qualifications of Tetra Tech's environmental technician during contract administration and when evaluating these qualifications in the key personnel proposal. Comments & Supp. Protest at 2; Supp. Comments at 3-5.

We find the protester's reliance on *CIGNA* to be unavailing. Our decision in *CIGNA* concerned materially different evaluations of essentially identical proposals submitted under the same solicitation and reviewed by a common source selection board and source selection authority. *Id.* at 13-14. In that specific situation, we explained that although evaluators could reasonably reach different evaluation conclusions and ratings, it was incumbent on the common source selection board and source selection

⁵ Although an agency may rely on evaluator's personal knowledge to verify or supplement information contained in a proposed key person's resume, the agency generally is not required to consider information outside an offeror's proposal in evaluating technical qualifications. *Inquiries, Inc.*, B-417415.2, Dec. 30, 2019, at 14. Here, Tetra Tech identifies no additional education or experience overlooked by the agency's evaluators. Instead, Tetra Tech relies on the fact of the prior approval itself. As discussed, that act of contract administration does not substitute for the specific qualification requirements that Tetra Tech's proposal failed to demonstrate.

authority to provide a reasonable explanation for the materially different conclusions with regard to what were, essentially, identical proposals. *Id.*

In contrast, the facts here--involving a comparison between an act of contract administration and the evaluation of a proposal in a subsequent procurement--bear little resemblance to the narrow situation we confronted in *CIGNA*. We see no basis to extend our analysis in *CIGNA* to matters involving contract administration.⁶ Put simply, we find unpersuasive Tetra Tech's invocation of *CIGNA* to argue that agencies must reconcile actions taken during the administration of an incumbent contract with judgments made by evaluators and selection officials in a subsequent procurement--particularly when there is no meaningful dispute that the protester's proposal failed to satisfy the solicitation's minimum requirements.

Tetra Tech argues further that the agency inconsistently characterized how it evaluated Tetra Tech's failure to satisfy the RFP's education and experience qualifications. Comments & Supp. Protest at 10-11. Specifically, the protester notes that the agency's interim evaluation identified missing education qualifications as weaknesses, whereas EPA's final evaluation assessed a deficiency for this same failure to satisfy the solicitation's minimum qualifications. *Id.* Tetra Tech contends that the agency "makes no effort to reconcile the differential treatment." *Id.* at 11.

Tetra Tech's argument--that interim evaluation findings demonstrate inconsistent or unreasonable treatment of Tetra Tech's key personnel qualifications--provides no basis to sustain the protest.⁷ Differences between an initial and final evaluation do not,

⁶ The propriety of the agency's actions during the administration of the incumbent contract are not before our Office in this protest. See 4 C.F.R. § 21.5(a). We accordingly have no reason to examine the basis for the agency's decision to allow this individual to perform on the incumbent contract. Even assuming, for the sake of argument, that the agency decided not to enforce a contract requirement on the incumbent contract, such a decision has no relevance to the agency's evaluation in a subsequent procurement--or to our Office's assessment of the reasonableness of the agency's subsequent evaluation as part of our bid protest function. See *Erickson Aero Tanker*, B-411306.2, B-411306.5, July 29, 2015, at 8 ("[W]e find that the agency's waiver of the requirement on the previous contract has no bearing on the propriety of the agency's conduct under this procurement. Each procurement is a separate transaction and an action taken under one procurement is not relevant to the propriety of the action taken under another for the purposes of a bid protest.").

⁷ To the extent that the protester independently argues that Tetra Tech's proposal merited a weakness and not a deficiency, such an argument would be untimely. Our Bid Protest Regulations generally require protests to be filed within 10 days after the protester knew or should have known the basis for protest. 4 C.F.R. § 21.2(a)(2). Where a protester supplements a protest with independent grounds, those grounds must independently satisfy our timeliness requirements since our Regulations do not contemplate the unwarranted piecemeal presentation or development of protest issues.
(continued...)

standing alone, establish that the final evaluation was unreasonable. *Honeywell Tech. Sols., Inc.*, B-400771, B-400771.2, Jan. 27, 2009, at 13. Moreover, absent a factual or legal basis indicating a reevaluation was improper, an agency is generally not required to explain the differing evaluation results. *SRS Critical Infrastructure Sec., LLC*, B-418510.9 *et al.*, May 9, 2023, at 6. In this regard, our overriding concern is not whether the final ratings are consistent with earlier ratings, but whether the final evaluation reasonably reflects the proposal's merits as compared to the solicitation criteria. See *id.*

Here, as discussed above, the RFP established minimum education and experience requirements for the environmental technician position. Tetra Tech does not meaningfully dispute that its eighth proposed technician failed to satisfy those requirements. Where a solicitation requires proposed key personnel to possess specified qualifications, an agency may reasonably find a proposal unacceptable when the proposal fails to satisfy those qualifications. *Hurricane Consulting, Inc.*, *supra* at 8; *Deloitte Consulting, LLP*, B-416882.4, Jan. 6, 2020, at 6. We therefore find no basis to question the agency's assessment of a deficiency and its resulting determination that Tetra Tech's proposal was unacceptable. This allegation is denied.

Remaining Allegations

Tetra Tech also challenges four weaknesses assessed under the past performance factor and contends that the agency's best-value decision was based on a flawed underlying evaluation. Protest at 16-19. We dismiss these allegations because Tetra Tech is not an interested party to pursue them.

Under our Bid Protest Regulations, a protester must be an interested party, that is, an actual or prospective offeror whose direct economic interest would be affected by the award or failure to award a contract. 4 C.F.R. §§ 21.0(a)(1), 21.1(a). A protester is an interested party if it is an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. 4 C.F.R. § 21.0(a)(1); *Zeva Inc.*, B-423013, B-423013.2, Jan. 2, 2025, at 5. A protester lacks the requisite interest where sustaining its allegation would not place it in line for award. *Hurricane Consulting, Inc.*, *supra* at 9.

(...continued)

See, e.g., *Savvee Consulting, Inc.*, B-408416.3, Mar. 5, 2014, at 5. Here, the protester did not argue that Tetra Tech's proposed eighth environmental technician met the requirements of the solicitation. Instead, as discussed above, Tetra Tech argues that the agency's evaluation of Tetra Tech's proposed technician was unreasonable because it was inconsistent with the agency's prior approval of this individual for the same position on the incumbent contract. Accordingly, any argument that the agency should have assigned Tetra Tech's proposal a weakness instead of a deficiency for this proposal shortcoming should have been raised within 10 days of June 18, when Tetra Tech received its debriefing.

Here, as discussed above, the agency reasonably found Tetra Tech's proposal unacceptable under the key personnel factor. As noted above, the solicitation specified that a proposal that does not meet requirements and contains one or more deficiencies is "unacceptable for purposes of an award." RFP at 135. Because the protester's proposal was reasonably found to be unacceptable, Tetra Tech would not be in line for award even if we were to sustain the remaining protest allegations. The protester, therefore, lacks the direct economic interest necessary to be an interested party to protest the evaluation of its past performance or the resulting award decision. 4 C.F.R. § 21.0(a)(1); *Hurricane Consulting, Inc., supra*.

The protest is denied in part and dismissed in part.

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General Counsel