



Decision

Matter of: CAKAR ULUSLARARASI NAKLIYAT SANAYI VE TICARET LIMITED SIRKETI

File: B-424435.3

Date: October 19, 2026

Firat Cakar for the protester.

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DIGEST

Protest challenging the agency's evaluation of the protester's proposal as technically unacceptable is denied where the evaluation was reasonable and consistent with the solicitation's evaluation criteria.

DECISION

CAKAR ULUSLARARASI NAKLIYAT SANAYI VE TICARET LIMITED SIRKETI (CAKAR), of Mardin, Turkey, protests the award of a contract to S&D International Transportation & Logistics Services GmbH (S&D), of Neusaess, Germany, under request for proposals (RFP) No. HTC71126RE122, issued by the Department of Defense, United States Transportation Command (TRANSCOM) for stevedoring and related terminal services in Turkey. The protester challenges the agency's evaluation of the offerors' technical proposals and the source selection decision. CAKAR also contends the agency ignored inconsistencies between the awardee's proposal and the information in the awardee's System for Award Management (SAM) registration.¹

¹ This protest is not subject to a GAO protective order because CAKAR opted to proceed *pro se*, that is, without counsel. Accordingly, our discussion of some aspects of the record, particularly the agency's evaluation of the awardee's proposal, is necessarily general to limit references to non-public information. Nonetheless, GAO reviewed the entire record *in camera* in preparing our decision.

We deny the protest.

BACKGROUND

On October 29, 2025, TRANSCOM issued the RFP pursuant to the procedures of Federal Acquisition Regulation parts 12 and 15, seeking a contractor to provide stevedoring and related services at specified ports in Turkey. Contracting Officer's Statement (COS) at 2-3; Agency Report (AR), Tab 5, RFP at 1; AR, Tab 3, Performance Work Statement (PWS) at 2.² The PWS provided that the services would "cover the full spectrum of ocean terminal operations." PWS at 26. The RFP contemplated a single-award indefinite-delivery, indefinite-quantity contract with fixed-price and time-and-material contract line items, and a 5-year base period and a 6-month option.³ RFP at 3.

The RFP established that award would be made on a lowest-priced, technically acceptable basis, and the technical factor consisted of two subfactors: technical worksheet and mission essential plan. RFP at 38, 41. The RFP provided that proposals would be rated as acceptable or unacceptable for each subfactor, and an unacceptable rating for either subfactor would result in the technical proposal being deemed unacceptable. *Id.* at 41. For each subfactor, the solicitation included an attachment for the offeror to complete and submit. *Id.* at 38; AR, Tab 6, RFP attach. 5, Technical Worksheet; AR, Tab 7, RFP attach. 3, Mission Essential Plan.

As relevant here, for the technical worksheet subfactor, offerors were required to submit and complete the technical worksheet RFP attachment, which addressed three areas: labor, equipment, and certifications/port access. RFP attach. 5, Technical Worksheet at 2. Of importance to this protest, for certifications/port access, the solicitation required offerors to provide hazardous material (HAZMAT) certifications. *Id.*

The agency received 13 proposals prior to the solicitation's December 3 closing date, including the proposals submitted by CAKAR and S&D. COS at 6-7. The agency evaluated the offerors' proposals, rated CAKAR's proposal as technically unacceptable, and identified S&D as the successful offeror. *Id.* at 7. On April 14, 2026, TRANSCOM notified CAKAR that S&D's proposal had been selected for award. *Id.* Subsequently, on April 24, CAKAR filed a protest with our Office, challenging various aspects of the agency's evaluation of the offerors' technical proposals, the source selection decision, and TRANSCOM's conduct of exchanges. Protest, exh. A, Protest, B-424435.1, Apr. 24, 2026, at 1. In addition, CAKAR argued that the awardee did not comply with the RFP's requirements regarding registration in SAM. *Id.* On May 19, the agency elected to take corrective action by reevaluating the offerors' technical proposals, reviewing the awardee's SAM registration, and making a new award decision, and we

² Our citations are to the PDF pagination of documents.

³ The agency states that this procurement consolidates two requirements, and S&D is the incumbent contractor for one of the requirements. COS at 2.

dismissed the protest as academic. *CAKAR ULUSLARARASI NAKLIYAT SANAYI VE TICARET LIMITED SIRKETI*, B-424435, May 19, 2026 (unpublished decision).

Thereafter, the agency appointed a new technical evaluation team and reevaluated the offerors' proposals as follows:

	S&D	CAKAR
Technical		
Technical Worksheet	Acceptable	Unacceptable
Mission Essential Plan	Acceptable	Acceptable
Total Evaluated Price	\$13,113,942	\$13,773,914

AR, Tab 20, Source Selection Decision (SSD) at 3.

In evaluating CAKAR's proposal under the technical worksheet subfactor, the evaluators found that CAKAR's proposal was unacceptable because the documentation provided did not meet the HAZMAT certifications requirement. AR, Tab 10, CAKAR Technical Worksheet Evaluation at 4. Specifically, the evaluators noted that for each of CAKAR's proposed personnel, CAKAR "submitted an individual Turkish road driver certification (SRC-5),"⁴ and the agency found the certification was inadequate because "[w]hile valid for highway transit, it is not a 'Host Nation equivalent' for maritime port [stevedoring and related terminal services] operations."⁵ *Id.* The evaluators rated CAKAR's proposal as unacceptable because the protester did not meet the minimum requirements of the PWS. *Id.* at 5.

The agency evaluated S&D's proposal, which included confirming S&D's SAM registration and finding S&D to be the lowest-priced, technically acceptable offeror, and TRANSCOM reaffirmed the prior award decision. COS at 9; AR, Tab 20, SSD at 3.

On July 9, the agency notified CAKAR that its proposal had not been selected for award. COS at 9; AR, Tab 19, Unsuccessful Offeror Notice at 1. After requesting and receiving a debriefing, CAKAR filed this protest.

⁴ The SRC-5 is an individual road transport card issued under the United Nations European Agreement Concerning the International Carriage of Dangerous Goods by Road. AR, Tab 10, CAKAR Technical Worksheet Evaluation at 4; see also Protest at 8.

⁵ In addition, the evaluators noted CAKAR also submitted a third-party consulting contract, but it did "not cure this deficiency" because it "provide[d] for future training and administrative oversight; it does not provide any physical handling of HAZMAT cargo." AR, Tab 10, CAKAR Technical Worksheet Evaluation at 4.

DISCUSSION

CAKAR protests various aspects of the agency's evaluation of the offerors' technical proposals under the technical worksheet subfactor. Primarily, the protester challenges the evaluation of the offerors' HAZMAT certifications, arguing that the agency unreasonably rated CAKAR's proposal as unacceptable, and alleging that the evaluation was unequal. Protest at 3-7. In addition, CAKAR objects to the agency's evaluation of the awardee's proposal, asserting that S&D did not have a valid host nation business license or work permit sufficient to perform the PWS requirements, and contending that TRANSCOM did not reconcile information in S&D's proposal with conflicting information in the firm's SAM registration. *Id.* at 7-10. We have reviewed all of CAKAR's allegations, and while we do not address in detail every argument, or permutation thereof, raised by the protester, we have considered them all and find none provides a basis to sustain the protest.⁶

HAZMAT Certifications

We first address CAKAR's allegations regarding the agency's evaluation of the offerors' HAZMAT certifications. The protester contends that TRANSCOM unreasonably rejected CAKAR's certifications as unacceptable, and the protester alleges that the agency evaluated the offerors' proposals disparately by applying a more exacting standard to the protester's proposal. We address the arguments in turn.

At the outset, we note that when reviewing a protest challenging an agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency; rather, we examine the record to determine whether the agency's judgments were reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. *Master Boat Builders, Inc.; Steiner Constr. Co., Inc.*, B-421254 *et al.*, Feb. 8, 2023, at 5. In this regard, it is an offeror's responsibility to submit a well-written proposal that clearly demonstrates compliance with all solicitation requirements, and where a proposal fails to do so, the offeror runs the risk that its proposal will be rejected. *Trailboss Enters., Inc.*, B-419209, Dec. 23, 2020, at 6. A protester's disagreement with an agency's evaluation, without more, does not show that the evaluation was unreasonable. *Hal Tech., LLC*, B-422686, Oct. 2, 2024, at 5.

⁶ CAKAR initially raised five protest grounds. Before the deadline for the submission of the agency report, the agency filed a request for dismissal, asserting that CAKAR could not demonstrate competitive prejudice. Req. for Dismissal at 3, 5-6. After reviewing the protester's response, our Office advised the parties that we intended to issue a decision resolving four of the protest grounds based on the existing record, but we needed additional information to resolve the protester's allegation of unequal treatment in the evaluation of HAZMAT certifications. Notice of Additional Briefing at 2. We also asked the agency to address whether the protester is an interested party to challenge the agency's actions. *Id.*

Evaluation of CAKAR's Proposal

We first address the protester's arguments regarding TRANSCOM's evaluation of CAKAR's HAZMAT certificates. As noted above, as part of the technical worksheet subfactor, offerors were required to provide documentation concerning their ability to handle hazardous materials. RFP attach. 5, Technical Worksheet at 2. Specifically, the RFP directed the offeror to "[p]rovide proof of current certification or signed self-certified letter stating at least two proposed personnel are trained and tested in handling Hazardous Material per the requirements of the Code of Federal Regulation (CFR) Title 49, Section 172.702, or Host Nation equivalent." *Id.* The RFP referenced PWS section 5, General Contract Requirements, which stated, in relevant part: "[t]he Contractor's personnel shall meet the qualification for personnel who pack dangerous goods, load/unload cargo transport units, handle dangerous goods in transport, and load/unload dangerous goods into/from ships as specified in [International Maritime Dangerous Goods] Chapter 1.3, Training and 49 CFR Part 172 Subpart H; Training." PWS at 30.

CAKAR submitted three Turkish road driver certificates, referred to as SRC-5's, which the agency found did not meet the solicitation requirements because the SRC-5 pertains to highway transport, and not marine terminal handling functions. AR, Tab 10, CAKAR Technical Worksheet Evaluation at 4. CAKAR challenges TRANSCOM's evaluation, arguing that the certificates that CAKAR submitted met the solicitation requirements. Protest at 3-5. CAKAR asserts that it was unreasonable to reject the certificates because "the SRC-5 curriculum addresses the loading, unloading, packing, and handling functions at issue." *Id.* at 4.

The agency responds that TRANSCOM reasonably found the protester's HAZMAT certifications unacceptable because the training certificates that CAKAR submitted did not pertain to marine terminal handling functions, as required by the RFP. Memorandum of Law (MOL) at 9-11. The agency states that under Turkish law, the SRC-5 certification is limited to public highway driving operations, and "all shore-side, port, and vessel-loading operations must be executed by personnel holding maritime-specific [International Maritime Dangerous Goods] Code Chapter 1.3 certifications." *Id.* at 10-11. The agency notes that the PWS involves maritime-specific tasks, and states that "[m]aritime cargo handling, vessel-adjacent stevedoring, and marine terminal cargo segregation require specialized training, safety protocols, and certifications legally and operationally distinct from, and incompatible with, overland truck operations." *Id.* at 10.

Based on our review of the record, the agency reasonably evaluated the protester's proposal as technically unacceptable. In this procurement for maritime port stevedoring and related terminal services, the solicitation required offerors to provide at least two personnel with HAZMAT certifications qualifying them to handle and transport dangerous goods as specified in International Maritime Dangerous Goods Code Chapter 1.3. RFP attach. 5, Technical Worksheet at 2; PWS at 30. CAKAR submitted certificates for land transport of HAZMAT. AR, Tab 10, CAKAR Technical Worksheet Evaluation at 4. There was nothing unreasonable with the agency's conclusion that

CAKAR's Turkish road driver certificates were not equivalent to the required maritime-specific certifications. The protester's disagreement does not provide a basis to sustain the protest, and we deny this protest allegation.⁷

Alleged Unequal Treatment

We next address the protester's allegation that the agency evaluated the offerors' proposals disparately by scrutinizing and rejecting the certificates submitted by CAKAR and summarily accepting the HAZMAT certificates submitted by S&D. Protest at 6; Comments at 4-6. In this regard, CAKAR compares the unredacted version of the evaluation report for CAKAR's proposal with the redacted version of the evaluation report for the awardee's proposal, and the protester complains that the latter "contains no finding, no reasoning, and no comparison of S & D's certificates to the stated requirement." Comments at 4.

It is a fundamental principle of federal procurement law that a contracting agency must treat all offerors equally and evaluate their proposals evenhandedly against the solicitation's requirements and evaluation criteria. *Abacus Tech. Corp.; SMS Data Prods. Grp., Inc.*, B-413421 *et al.*, Oct. 28, 2016, at 11. Where a protester alleges unequal treatment in a technical evaluation, it must show that the differences in the evaluation did not stem from differences between the proposals. *Nexant Inc.*, B-417421, B-417421.2, June 26, 2019, at 10. To prevail on an allegation of disparate treatment, a protester must show that an agency unreasonably evaluated its proposal in a different manner than another proposal that was substantively indistinguishable or nearly identical. See *Battelle Mem'l Inst.*, B-418047.3, B-418047.4, May 18, 2020, at 5.

We have reviewed the record--including portions not provided to the protester--and find no basis to support the allegation of unequal treatment. The record shows that TRANSCOM considered the documentation that S&D submitted and found the firm's proposed personnel held Istanbul Technical University Maritime Faculty certifications under International Maritime Organization Model Course 1.10, which is "the standardized curriculum expressly designed to fulfill the mandatory training

⁷ As a corollary argument, CAKAR argues that TRANSCOM should have found that CAKAR met the HAZMAT requirement based on the dangerous goods safety consultancy organization contract that CAKAR submitted with its proposal because the agreement required the consultant to provide training to personnel handling dangerous goods. Protest at 5. We are not persuaded by the protester's argument. As the agency states, "this contract did not satisfy the requirement because it 'only provides for future training and administrative oversight; it does not provide any [personnel for the] physical handling of HAZMAT cargo.'" MOL at 11 (quoting AR, Tab 10, CAKAR Technical Worksheet Evaluation at 4). The RFP required offerors to submit HAZMAT certifications for at least two personnel to perform the PWS requirements--not an agreement with a consultant for future training. RFP attach. 5, Technical Worksheet at 2; PWS at 30. Accordingly, we find no basis to object to the agency's evaluation.

requirements of [International Maritime Dangerous Goods] Code Chapter 1.3.” COS at 13; see *also* AR, Tab 43; S&D Technical Worksheet at 4. In other words, CAKAR and S&D submitted completely different information for the HAZMAT certifications requirement. There is no evidence of unequal treatment. See *Nexant, supra*.

Moreover, contrary to the protester’s assertions otherwise, the evaluators did not merely check a box; the contemporaneous record demonstrates that the evaluators analyzed the certificates that S&D provided and reasonably found the awardee’s proposal met the requirements. AR, Tab 43, S&D Technical Worksheet at 4. In light of the foregoing, we see nothing unreasonable with the agency finding that S&D’s proposal met the HAZMAT certification requirement, while the protester’s proposal failed to satisfy the same requirement.

In sum, we have reviewed the record and find that it reasonably supports the evaluation. Namely, TRANSCOM reasonably found that the HAZMAT certificates submitted by CAKAR did not satisfy the solicitation requirements, and the certificates submitted by the awardee met the requirements. This protest ground is denied.

Remaining Protest Allegations

The protester raises several additional arguments, such as contending that S&D did not meet the certifications/port access requirement and alleging that TRANSCOM did not reconcile information in S&D’s proposal with conflicting information in the firm’s SAM registration. Protest at 7-10.

CAKAR has not established that it is an interested party to maintain these remaining allegations. In order for a protest to be considered by our Office, a protester must be an interested party, meaning it must have a direct economic interest in the resolution of a protest issue. 4 C.F.R. § 21.0(a). A protester is not an interested party if it would not be in line for award if its protest were sustained. *Benaka Inc.*, B-418639, July 9, 2020, at 5. Here, as discussed above, the agency reevaluated S&D and CAKAR’s proposals and CAKAR’s technical proposal was reasonably found unacceptable. Additionally, CAKAR does not challenge the fact that there were other offerors, and our review of the evaluation record confirms that at least one offeror other than S&D submitted a technically acceptable proposal. AR, Tab 20, SSD at 1-2. As a result, even if we found that the protester’s remaining allegations had merit, CAKAR’s proposal would still be unacceptable under the technical factor, and it would not be in line for award. 4 C.F.R. § 21.0(a); *Ecolog Deutschland GmbH*, B-421531, May 9, 2023, at 4. Accordingly, we dismiss the remaining allegations.

The protest is denied.

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General Counsel