

United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Global Defense Solutions, LP

**File:** B-408177

**Date:** July 5, 2013

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Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Agency reasonably evaluated the protester's past performance as neutral, where the agency found that none of the protester's past performance references were relevant.

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### DECISION

Global Defense Solutions, LP, of Warner Robins, Georgia, protests the award of a contract to SOF Associates, JV, of Orlando, Florida, under request for proposals (RFP) No. FA8509-12-R-32444, issued by the Department of the Air Force, Warner Robins Air Logistics Center, for advisory and assistance services (A&AS). Global Defense challenges the agency's past performance evaluation.

We deny the protest.<sup>1</sup>

### BACKGROUND

The RFP, issued as a service-disabled veteran-owned small business set-aside, contemplated the award of a fixed-price, indefinite-delivery/indefinite-quantity contract for advisory and assistance services supporting aircraft weapon systems

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<sup>1</sup> Because a protective order was not issued in connection with the protest, our decision is necessarily general.

on various C-130 aircraft models for a base year and two option years.<sup>2</sup> The RFP included a detailed PWS, which described the services to be performed here. RFP, PWS at 2. Among other things, the contractor would provide knowledgeable and experienced personnel in three areas: logistics management; engineering support;<sup>3</sup> and configuration management. RFP, PWS at 2, 9-15.

Offerors were informed that award would be made on a best value basis considering past performance and price. The past performance factor was stated to be significantly more important than price. RFP at 58. The RFP provided that past performance would be evaluated as substantial confidence, satisfactory confidence, limited confidence, no confidence, or unknown confidence (neutral). RFP at 60.

With respect to past performance, offerors were required to submit past performance information for themselves and any joint venture partner. Id. at 55. In this regard, offerors/joint venture partners were required to provide completed past performance questionnaires for recent and relevant contracts, and these questionnaires were required to correlate the offeror's past performance with the requirements of the RFP. Id. at 56. Recent past performance was defined to be active or completed efforts performed within the 3 years prior to issuance of the RFP. Id. at 59. Offerors were informed that the relevancy of past performance would be evaluated as follows:

VERY RELEVANT: Present/past performance effort involved essentially the same scope and magnitude of effort and complexities this solicitation requires. Very relevant efforts must include A&AS support of DoD C-130 aircraft in Logistics Management . . . Engineering Support . . . and Configuration Management . . . labor categories.

RELEVANT: Present/past performance effort involved similar scope and magnitude of effort and complexities this solicitation requires. Relevant efforts must include A&AS support of DoD fixed wing (aircraft with wings that are stationary and do not tilt or rotate) aircraft of any platform in any two of the following labor categories: Logistics Management . . . Engineering Support . . . and Configuration Management.

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<sup>2</sup> The contractor will support the AC-130H/U/J/W, the EC-130J, the HC-130J/N/P, and the MC-130E/H/J/P models. RFP, Performance Work Statement (PWS) at 2.

<sup>3</sup> The PWS identified test, electrical, mechanical and aerospace engineers under the engineering support area. RFP, PWS at 13.

**SOMEWHAT RELEVANT:** Present/past performance effort involved some of the scope and magnitude of effort and complexities this solicitation requires. Somewhat relevant efforts must include A&AS support of any DoD fixed wing (aircraft with wings that are stationary and do not tilt or rotate) aircraft of any platform in Logistics Management . . . Engineering Support . . . or Configuration Management . . . labor categories.

**NOT RELEVANT:** Present/past performance effort involved little or none of the scope and magnitude of effort and complexities this solicitation requires.

Id.

The Air Force received proposals from 12 offerors, including Global Defense and SOF.<sup>4</sup> Discussions were conducted, and final proposal revisions received. Global Defense’s and SOF’s revised proposals were evaluated as follows:

	<b>Past Performance</b>	<b>Price</b>
Global Defense	Unknown Confidence	\$11,870,527
SOF	Substantial Confidence	\$11,984,295

AR, Tab 42, Source Selection Decision, at 9, 13, 18.

Global Defense’s unknown past performance rating reflected the agency’s determination that the protester failed to demonstrate relevant past performance. In this regard, Global Defense provided four past performance references (one from AFVET and three from Sansara). The Air Force found that the first reference (AFVET’s contract number FA8509-09-C-0026) was not relevant in size, scope, and complexity. Although the contract provided for advisory and assistance services with respect to Department of Defense fixed-wing aircraft, this contract included performance by only one employee for a single year and had a total value of only \$127,000. AR, Tab 38, Final Past Performance Report, at 33-34.

The Air Force also found that the remaining three references (for Sansara’s performance) were not relevant. With respect to two of the three references (contract numbers TCS-0037-01 and EC-130J-01), the services provided by Sansara as a subcontractor were not of a similar magnitude (\$616,000, and

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<sup>4</sup> Global Defense is a joint venture consisting of two firms: AFVET Solutions, LLC and Sansara, LLC. Agency Report (AR), Tab 8, Global Defense Past Performance Proposal, at 1.

\$184,000 respectively), and did not involve advisory and assistance services supporting logistics, engineering, or configuration management. Id. at 34-36. With respect to Sansara's remaining reference, the agency also found that Sansara's performance as a subcontractor was not similar in terms of magnitude, scope or complexity. In this regard, the advisory and assistance services provided by Sansara were not supporting fixed-wing aircraft and did not involve support in logistics management, engineering management, or configuration management. Id. at 36.

The contracting officer, the source selection authority for this procurement, selected SOF's proposal as the best value to the government, and this protest followed a debriefing.

## DISCUSSION

Global Defense objects to the Air Force's determination that its past performance references were not relevant.

An agency's evaluation of past performance, which includes its consideration of the relevance, scope, and significance of an offeror's performance history, is a matter of agency discretion which we will not disturb unless the agency's assessments are unreasonable, inconsistent with the solicitation criteria, or undocumented. See e.g., Yang Enter., Inc.; Santa Barbara Applied Research, Inc., B-294605.4 et al., Apr. 1, 2005, 2005 CPD ¶ 65 at 5; Acepex Mgmt. Corp., B-283080 et al., Oct. 4, 1999, 99-2 CPD ¶ 77 at 3, 5. Since the agency is responsible for defining its needs and the best method for accommodating them, we will not substitute our judgment for reasonably based past performance ratings. See MFM Lamey Group, LLC, B-402377, Mar. 25, 2010, 2010 CPD ¶ 81 at 10.

Here, the record supports the reasonableness of the agency's judgment that Global Defense's past performance references were not relevant. First, all the protester's references reflected past performance of a much smaller value than the work solicited here. That is, the values of three of Global Defense's references were \$127,000, \$184,000, and \$616,000, as compared to Global Defense's offer of \$11,870,527.<sup>5</sup> Moreover, Global Defense has failed to demonstrate that the Air Force acted unreasonably in concluding that the protester's past performance references were not of similar scope and complexity. For example, with regard to AFVET's \$127,000 contract, Global Defense merely disagrees with the Air Force's judgment that AFVET's performance of this work with one employee for a single

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<sup>5</sup> The record does not clearly establish the value of Sansara's performance as a subcontractor for the fourth reference. The record indicates, however, that the total value of the prime contract was between \$2.8 and \$3.2 million, which itself is much less than the value of the contract to be awarded here.

year was not sufficiently similar in scope and complexity to the work here, which would consist of multiple labor positions (such as, logistics managers, engineers, and configuration managers) over a three-year contract period.<sup>6</sup> See RFP at 3-13.

With regard to Sansara's contracts, the Air Force found that, for two of the references, Sansara's performance concerned "a single C-130 model designation--the MC-130W in the first effort and the EC-130J in the second effort," and thus the work involved little or none of the scope and magnitude of effort and complexities as this solicitation required. Legal Memorandum at 9. Furthermore, Sansara's performance did not concern "the day to day aid of support personnel needed for the successful performance of ongoing Federal operations,' but rather involved on-demand augmentation of the prime contractor's engineering and/or logistics labor force when requested." Id., citing Federal Acquisition Regulation § 2.101. With regard to Sansara's final reference, the Air Force found that this reference--relating to support of software databases and not of fixed-wing aircraft--was not sufficiently similar in scope to be relevant to the work being solicited here. Although Global Defense disagrees with the agency's judgment, it has not shown it to be unreasonable.

Rather, the protester complains that the evaluation record contains a number of "[i]rregularities and inconsistencies" with respect to the relevance of Global Defense's past performance references. See Comments at 6. For example, the protester points to the agency's past performance evaluation worksheets, which initially characterized Global Defense's references as relevant. See AR, Tab 11, Global Defense Proposal Review, at 6, 11, 16. These same worksheets, however, also document that the evaluators, after further consultation with the past performance evaluation team chair, found Global Defense's references to be not relevant. Id. It is not unusual for individual evaluator ratings to differ, and in certain instances, to differ significantly, from one another, or from the consensus ratings eventually assigned; indeed, the reconciling of such differences among evaluators' viewpoints is the ultimate purpose of a consensus evaluation. Neeser Constr., Inc./Allied Builders Sys., A Joint Venture, B-285903, Oct. 25, 2000, 2000 CPD ¶ 207 at 4.

Global Defense also challenges the Air Force's evaluation of SOF's proposal. Global Defense, however, is not an interested party to maintain these objections. Under our Bid Protest Regulations, a party is not interested to maintain a protest if it

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<sup>6</sup> We find no merit to Global Defense's complaint that the Air Force in an earlier procurement for similar work found this reference to be very relevant. Evaluation ratings under another solicitation are not probative of the alleged unreasonableness of the evaluation ratings under the solicitation at issue, given that each procurement stands on its own. Leader Commc'ns, Inc., B-298734, B-298734.2, Dec. 7, 2006, 2006 CPD ¶ 192 at 8.

would not be in line for award if the protest were sustained. 4 C.F.R. § 21.0(a) (2013). Here, the record establishes that there are other intervening offerors with higher or equal past performance ratings and lower evaluated prices than the protester. Accordingly, Global Defense would not be in line for award, even if we sustained this basis for protest. See e.g., McDonald Construction Servs., Inc., B-285980, B-285980.2, Oct. 25, 2000, 2000 CPD ¶ 183 at 11; U.S. Constructors, Inc., B-282776, July 21, 1999, 99-2 CPD ¶ 14 at 5.

The protest is denied.

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General Counsel