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## Decision

**Matter of:** Lynxnet, LLC

**File:** B-409791; B-409791.2

**Date:** August 4, 2014

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Heather Weiner, Esq., and Jonathan L. Kang, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

1. Protest challenging the agency's price realism analysis is denied where the record shows the agency's analysis was reasonable and adequately documented.
  2. Protest challenging the agency's evaluation of offerors' technical proposals is denied where the evaluation was reasonable, consistent with the stated evaluation criteria and adequately documented.
  3. Protest challenging agency's source selection decision is denied where the record shows that the source selection authority reasonably found that the proposals were equal under the non-price factors, and the awardee proposed the lower overall price.
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### DECISION

Lynxnet, LLC, of Suffolk, Virginia, protests the award of a contract to Strategic Operational Solutions, Inc. (STOPSO), of Vienna, Virginia, under request for proposals (RFP) No. DJF-14-1200-R-0000040, issued by the Department of Justice, Federal Bureau of Investigation (FBI), for terrorist screening center operational support. Lynxnet challenges the FBI's evaluation of the offerors' technical proposals, as well as the agency's evaluation of the awardee's security and price proposals. The protester also argues that the best value tradeoff and source selection decision was unreasonable.

We deny the protest.

## BACKGROUND

On January 16, 2014, the FBI issued the solicitation as a competitive set-aside under the Small Business Administration's 8(a) set-aside program. The RFP sought operational support for the FBI's terrorist screening center in Vienna, Virginia. RFP § B. The solicitation anticipated award of a labor-hour contract, with fixed-price labor rates, for a base year and three 1-year options. Id.

The RFP provided for award on a best-value basis, considering the following four factors, listed in descending order of importance: (1) technical, (2) price, (3) past performance, and (4) security. Id. § M.2. For purposes of award, the non-price factors were significantly more important than price. Id. The price factor was to become more important, however, to the extent the offerors' ratings under the non-price factors became more equal. Id. The past performance factor and security factor were to be evaluated on a pass/fail basis; to be eligible for award, a proposal was required to receive a pass rating under both of these factors. Id. The technical factor included the evaluation of three subfactors: (1) management approach, (2) technical, and (3) transition. Id. The management approach subfactor included the evaluation of five subelements: (a) understanding the requirement; (b) organizational structure; (c) management of teams, joint ventures, and subcontractors; (d) key personnel; and (e) staffing. Id. The technical approach subfactor included the evaluation of three subelements: (a) technical management and administration; (b) infrastructure, operations, and professional services; and (c) logistics. Id.

As relevant here, the RFP price factor stated that the evaluation would be based on completeness, reasonableness and realism. Id. § M.4. With regard to realism, the solicitation stated that the evaluation would consider whether the "proposed price [is] realistic for the proposed approach." Id. § M.4. The RFP also stated that "[c]urrent Government rate recommendations shall be used as the basis for determining Evaluated Cost and Cost Realism," and that "[a]bsent Government rate recommendations, it is incumbent on the contractor/subcontractor to provide some other reasonable and verifiable means of determining rate realism." Id. § L.10.2.3.8.

The FBI received proposals from eight offerors, including Lynxnet and STOPSO, by the closing date of February 21. Agency Report (AR) at 2. Following an initial evaluation of proposals, the contracting officer established a competitive range of six offerors, including Lynxnet and STOPSO. Id. The agency then conducted discussions with the offerors, and requested final proposal revisions (FPRs). Id.

After evaluating the FPRs, the source selection authority (SSA)<sup>1</sup> assigned the following adjectival ratings to Lynxnet's and STOPSO's FPRs:<sup>2</sup>

	LYNXNET	STOPSO
<b>Factor 1, Technical</b>	<b>Exceptional</b>	<b>Exceptional</b>
<b>Subfactor 1, Management Approach</b>	<b>Exceptional</b>	<b>Exceptional</b>
Understanding the Requirement	Exceptional	Exceptional
Organizational Structure	Very Good	Exceptional
Management of Teams, Joint Ventures & Subs	Exceptional	Very Good
Key Personnel	Very Good	Very Good
Staffing	Exceptional	Exceptional
<b>Subfactor 2, Technical Approach</b>	<b>Exceptional</b>	<b>Exceptional</b>
Technical Management & Administration	Exceptional	Exceptional
Infrastructure, Operations & Professional Services	Exceptional	Exceptional
Logistics	Exceptional	Exceptional
<b>Subfactor 3, Transition Approach</b>	<b>Exceptional</b>	<b>Exceptional</b>
<b>Factor 2, Price</b>	<b>\$77,515,540</b>	<b>\$59,398,178</b>
<b>Factor 3, Past Performance</b>	<b>Pass</b>	<b>Pass</b>
<b>Factor 4, Security</b>	<b>Pass</b>	<b>Pass</b>

AR, Tab 28, Source Selection Decision Document (SSDD), at 13. The other four offerors each received overall technical ratings of very good. Id.

Based on the evaluations, the SSA found that STOPSO's and Lynxnet's proposals were "equally Exceptional," and the evaluation of their proposals were "nearly identical." Id. at 8. The SSA stated that the "TET's evaluation found [the] STOPSO and Lynxnet proposals exceptional in each of the three [subfactors]," and that "[a]n award to either offeror was recommended by the Source Selection Evaluation Chairperson." Id. The SSA concluded that STOPSO's proposal provided the best value based on its lower price. Id. at 8, 12.

On April 24, the agency notified Lynxnet of the award to STOPSO. Contracting Officer (CO) Statement, at 19. This protest followed.

<sup>1</sup> The SSA was also the contracting officer. AR, Tab 27, Final Award Recommendation Report, at 1.

<sup>2</sup> The technical evaluation team assessed the technical proposals as exceptional, very good, satisfactory, marginal, and unacceptable. RFP § M.3.1.

## DISCUSSION

Lynxnet challenges the FBI's evaluation of the offerors' technical proposals, STOPSO's past performance and security qualifications, and the realism of the awardee's proposed price. The protester also contends that the best value tradeoff and source selection decision was unreasonable.<sup>3</sup> For the reasons discussed below, we find no basis to sustain the protest.

### Price Realism

Lynxnet asserts that the FBI's price realism analysis was unreasonable because the agency did not analyze whether STOPSO's proposed price was realistic for its proposed technical approach, as required by the RFP. Lynxnet primarily argues that the awardee's proposed labor rates are unrealistically low. The protester argues that the agency's price realism analysis should have included analysis of current compensation data from STOPSO's subcontractors. The protester also contends that the agency's price realism analysis should have assessed STOPSO's ability to hire incumbent personnel, as well as more-experienced personnel, at lower labor rates than the protester's. For the reasons discussed below, we find that the FBI's evaluation of price realism was reasonable, consistent with the RFP, and adequately documented.

Where, as here, a solicitation anticipates award of a labor hours contract with fixed-price labor rates, there is no requirement that an agency conduct a price or cost realism analysis, in the absence of a solicitation provision requiring such an analysis. See Ball Aerospace & Tech. Corp., B-402148, Jan. 25, 2010, 2010 CPD ¶ 37 at 8 n.7. An agency may, however, at its discretion, provide for the use of a price realism analysis in a solicitation for the award of a fixed-price contract, or a fixed-price portion of a contract, to assess the risk inherent in an offeror's proposal. Puglia Eng'g of Cal., Inc., B-297413 et al., Jan. 20, 2006, 2006 CPD ¶ 33 at 6; Star Mountain, Inc., B-285883, Oct. 25, 2000, 2000 CPD ¶ 189 at 2. Our Office has repeatedly held that the depth of an agency's price realism is a matter within the sound exercise of the agency's discretion and our review of a price realism analysis is limited to determining whether it was reasonable and consistent with the terms of the solicitation. HBC Mgmt. Servs., Inc., B-408885.2, May 9, 2014, 2014 CPD ¶ 149 at 5; Smiths Detection, Inc.; Am. Sci. & Eng'g, Inc., B-402168.4 et al., Feb. 9, 2011, 2011 CPD ¶ 39 at 17; Grove Resource Solutions, Inc., B-296228,

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<sup>3</sup> Lynxnet's initial protest also alleged that the agency failed to conduct meaningful discussions. The protester, however, did not further discuss this contention in its comments responding to the agency report, and we therefore deem this issue abandoned. See International Mgmt. & Commc'ns Corp., B-272456, Oct. 23, 1996, 96-2 CPD ¶ 156 at 2-3 n.2.

B-296228.2, July 1, 2005, 2005 CPD ¶ 133 at 4-5; Citywide Managing Servs. of Port Wash., Inc., B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 5.

As discussed above, the RFP stated that the FBI would evaluate proposed prices for completeness, reasonableness and realism. RFP § M.4. With regard to price realism, the RFP stated that the evaluation would consider whether the proposed price is realistic for the proposed approach, and specifically advised the following:

Unrealistically low prices will be scrutinized closely. Offerors proposing prices that the Government considers unrealistically low may be required to prove that they understand the work. Offerors may also be required to satisfy the Government that they have not made a mistake, are committed to satisfaction of the contract requirements, and have valid business reasons for their price.

Id. § M.4.

In addition, the RFP stated that “[c]urrent Government rate recommendations shall be used as the basis for determining Evaluated Cost and Cost Realism,” and that “[a]bsent Government rate recommendations, it is incumbent on the contractor/ subcontractor to provide some other reasonable and verifiable means of determining rate realism.” Id. § L.10.2.3.8. The solicitation specified the labor mix to be used in the offerors’ price proposals, and specified that the government would multiply the hourly rates provided for each labor category by 1880 hours per year. RFP § L.10.2.3.7; AR, Tab 28, SSDD, at 3.

In performing its price evaluation, the agency compared the offerors’ total proposed prices, as well as prices for the base year and each option year, against the IGCE and the prices submitted by the other offerors. AR, Tab 20, Price Analysis Report, at 2; Tab 24, Price Summary Worksheet, at 1. The agency’s IGCE included the same labor categories as required by the solicitation, and the hourly rates in the IGCE were based upon the labor rates of SAVA, one of the incumbent contractors, proposed by Lynxnet as a subcontractor. AR, Tab 26, IGCE, at 1; AR at 9. The agency also compared the offerors’ proposed analyst I and analyst II labor rates against the IGCE. AR, Tab 20, Price Analysis Report, at 2; Tab 24, Price Summary Worksheet, at 1. In addition, the agency compared the offerors’ individual price components, including fringe, overhead, subcontract/material handling, general and administrative expense, fee, and escalation, against those of the other offerors. Id. The evaluators also compared the escalation rates to those in the Consumer Price Index for All Urban Consumers. Id. The agency noted that all but one offeror’s proposed prices were below the IGCE. AR, Tab 23, SSDD, at 3.

With regard to STOPSO, the evaluators compared labor rates for two positions, analyst I and analyst II, against the IGCE and “determined that STOPSO’s rates are realistic and not low.” AR, Tab 20, Price Analysis Report, at 1. The evaluators also

found that STOPSO's rates were "competitive in the commercial market place for similar positions." Id. The evaluators concluded that the prices in STOPSO's proposal are "reasonable for the work to be performed, reflected a clear understanding of the requirements, and are consistent with the various elements of the Offeror's technical proposal." Id.

As the contracting officer explains in a statement submitted with the agency's report on this protest, she "compared STOPSO's [overall] price to the other vendors, noting that the next 2 lowest proposals received for this solicitation were close in price," and that "[t]here was only a difference of \$2.993M over a 5-year period from the 2nd lowest[-priced] proposal, and \$6.353M over a 5-year period from the 3rd lowest[-priced] proposal." CO Statement at 15. The SSA also states that she found compelling that "STOPSO based their direct labor rates primarily from their payroll records and claimed that the information used to develop its labor rates are current, accurate and reflective of actual, real-time levels." Id. at 16. The SSA also notes that she found compelling that STOPSO "used past performance data and data from relevant market conditions" in establishing its rates, and that STOPSO's "indirect rates represent its [fiscal year] 2013 Provisional Billing Rates which have been submitted to [the Defense Contract Audit Agency]." Id.

As an initial matter, Lynxnet argues that the FBI failed to adequately document the basis for its conclusion that STOPSO's proposed price was realistic. While the contemporaneous record may be thin, based on our review of the record and the agency's explanation, we find that the agency reasonably conducted its price realism assessment. Although the protester claims that we should give no weight to the SSA's statements, our Office generally considers post-protest explanations, such as these, where the explanations merely provide a detailed rationale for contemporaneous conclusions and fill in previously unrecorded details, so long as the explanations are credible and consistent with the contemporaneous record. The S.M. Stoller Corp., B-400937 et al., Mar. 25, 2009, 2009 CPD ¶ 193 at 13. Here, the contracting officer's statements are consistent with, and provide a more detailed explanation of the price analysis spreadsheets and other analyses in the contemporaneous record. Accordingly, this contention provides no basis to sustain the protest.

Next, Lynxnet argues that the agency's price realism analysis was deficient because the FBI should have considered actual, current payroll data for STOPSO and its subcontractors.

The record reflects that STOPSO's proposal included information explaining the basis for its proposed labor rates. For example, for the analyst I labor rate, STOPSO provided the following explanation for its proposed labor rate:

[The cost for the analyst I labor rate] is derived from a process involving multiple factors, including: market survey analysis combined

with mapping to and discounting relevant GSA schedule rates. In addition, our team mate, Sotera, currently staffs another FBI contract . . . [which] includes . . . Analyst positions that are very similar in requirements and function to the TSC Ops Analyst I position. The current rate on the [Sotera contract analyst position] . . . was also based on multiple factors including market survey analysis when it was bid in August of 2012 . . . and then escalated . . . in September of 2013.

We have included past performance from [Sotera's] contract in this bid. We believe the [Sotera] client to be very satisfied with Sotera staffing on this contract. [The client] management recently advised Sotera they are outperforming the previous contractor . . . by over 30% and doing it at great savings in comparison to the previous contractor. Sotera has established a pipeline of qualified candidates for [the contract] and has had excellent retention through the first 16 months of the contract.

AR, Tab 11, STOPSO Price Proposal, at 32.

The agency responds that an in-depth analysis comparing the awardee's current and proposed rates was not required, and that its price realism analysis adequately assessed whether the offerors' proposed prices were realistic for the proposed approach as required by the RFP. In this regard, the agency states that it found that the awardee understood the work, had not made a mistake, was committed to performance, and demonstrated a valid rationale for the proposed pricing. AR at 10. We agree with the agency that the RFP did not state that the agency would perform the type of realism analyses sought by the protester.

Although the protester contends that it was unreasonable for the agency to rely on this information in the awardee's proposal without looking behind the proposal to assess whether the actual payroll information, upon which the rates were based, was realistic, STOPSO's proposal included detailed information regarding the rationale for its proposed labor rates. AR, Tab 11, STOPSO Price Proposal, at 31-36.

Next, Lynxnet argues that the agency did not compare the awardee's proposed labor rates to those of either of the two incumbent companies (SAVA or Sotera), and therefore failed to consider STOPSO's ability to hire the incumbent personnel at STOPSO's lower proposed labor rates. The record, demonstrates, however, that the agency compared STOPSO's proposed labor rates for the analyst I and analyst II labor categories, which represented approximately 74 percent of all personnel for the requirement, against the IGCE and the rates proposed by the other offerors. AR, Tab 24, Price Summary Worksheet, at 1. As discussed above, the IGCE was based on the rates of one of the incumbent companies, SAVA. AR, Tab 26, IGCE,

at 1. While STOSO's labor rates were lower than those in the IGCE, STOPSO's labor rates were based on the rates of STOPSO's subcontractor, Sotera, the other incumbent contractor. CO Statement at 29; AR, Tab 11, STOPSO Price Proposal, at 5.

STOPSO's labor rates were based on "Sotera's own analysis of their existing TSC salaries," as well as data from their other FBI contracts and current market data. AR, Tab 11, STOPSO Price Proposal, at 5. The SSA also noted in the award decision, and STOPSO's proposal reflects, that all 51 of Sotera's incumbent personnel signed exclusive agreements to remain on STOPSO's team. AR, Tab 28, SSDD, at 10; Tab 11, STOPSO Technical Proposal, at 22. In addition, the SSA noted that STOPSO's proposal provided letters of intent for all of its proposed personnel, including all key and non-key personnel, and that STOPSO's proposal "identified 100% of the personnel needed and provided a Skills Matrix." AR, Tab 28, SSDD, at 10; CO Statement at 29; AR, Tab 11, STOPSO Technical Proposal, Appx. 3, Skill Matrix. Accordingly, the agency found STOPSO's proposed rates realistic. AR, Tab 20, Price Analysis Report, at 2; CO Statement at 16. Although Lynxnet believes that a more detailed realism assessment was necessary, as noted above, the extent of a price realism analysis is within the sound exercise of the agency's discretion and agencies are free to use a number of techniques in assessing price realism. Smiths Detection, Inc.; Am. Sci. & Eng'g, Inc., supra, at 17.

Finally, Lynxnet asserts that the agency's price realism analysis mechanically applied the IGCE by basing the evaluation on proposed pricing for the base and option years, without consideration of proposed labor rates. Based on our review of the record, however, we find no evidence of a "mechanical" application of the IGCE, such as the use of a percentage range into which a contractor's proposed pricing must fall vis-à-vis the IGCE. Data Sys. Analysts, Inc., B-255684, B-255684.2, Mar. 22, 1994, 1994, 94-1 CPD ¶ 209 at 13. As discussed above, the agency evaluated price realism by comparing the price proposals to each other and to the IGCE.

In sum, although the protester generally disagrees with the agency's price realism judgment and argues that the agency should have documented more detailed analysis, the record demonstrates that the agency found STOPSO's pricing was realistic for the RFP's requirements. We have no basis to question this determination, and the protester has not shown that the agency's methods for assessing price realism were unreasonable or inconsistent with the requirements of the solicitation. Accordingly, we deny this protest ground.

#### Technical Evaluation

Next, Lynxnet challenges the agency's evaluation of STOPSO's technical proposal, arguing that the agency should have evaluated the impact on the awardee's



proposal of a contract modification issued to the awardee's subcontractor in connection with that firm's performance under the incumbent contract. The protester also argues that the agency should have assigned its proposal a higher adjectival rating for the management approach subfactor.

In reviewing protests of an agency's evaluation of offerors' technical proposals, our Office does not reevaluate proposals; rather, we review the evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6; Cherry Road Techs.; Elec. Data Sys. Corp., B-296915 et al., Oct. 24, 2005, 2005 CPD ¶ 197 at 6. With regard to adjectival ratings, technical evaluators have wide discretion when assigning such ratings, given that the ratings reflect both objective and subjective judgments concerning the relative merits of different proposals and their ability to meet the agency's needs. Interstate Gen. Gov't Contractors, Inc., B-290137.2, June 21, 2002, 2002 CPD ¶ 105 at 2. An offeror's disagreement with the agency's evaluation does not establish that the evaluation was unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

First, the protester contends that the FBI's evaluation of STOPSO's technical proposal under the management approach subfactor should have considered the impact on the awardee's proposal of a contract modification for surge analysts issued to STOPSO's subcontractor, Sotera, in connection with that firm's performance under the incumbent contract. Protester's Comments (June 19, 2014) at 16-17. After submission of FPRs, but prior to the agency's announcement of its award decision, the agency issued a contract modification to Sotera's existing contract to provide approximately 21 surge analysts. CO Statement at 21. Lynxnet notes that awardee's proposal stated its intention to hire approximately "50 percent [of the] incumbent staff." AR, Tab 11, STOPSO's Technical Proposal, at 4, 22.

The protester contends that the 21 Sotera personnel added under the surge will remain part of the new requirement after contract transition, and that the agency's technical evaluation was therefore unreasonable because it did not consider whether STOPSO would be able to hire these additional personnel. In effect, the protester argues that STOPSO's proposal to hire 50 percent of the incumbent staff created a standing obligation to hire half of the incumbent personnel, regardless of the changes to the incumbent contract that took place after the submission of its proposal.

We find no merit to this argument, as there is nothing in the record to indicate that STOPSO committed itself to hiring 50 percent of an unknown number of incumbent personnel. Although the awardee's proposal stated STOPSO's intention to hire over 50 percent of the incumbent staff, the awardee did not know about the 21 surge personnel when it submitted its proposal under the RFP--a point the protester concedes. Protester's Comments (June 19, 2014), at 17. Further, the record does

not support the protester's assumption that the contract modification to Sotera for the surge analysts in connection with the incumbent contract somehow expanded the requirement specified in the RFP. In this regard, the contracting officer states that the new contract does not include the surge analyst positions. CO Statement at 23. On this record, we find no merit to the protester's argument.

Next, the protester challenges the agency's evaluation of its technical proposal under the management approach subfactor with regard to its organizational structure, arguing that the agency's assessment of a very good rating to its proposal was inconsistent with the definition for that rating, as set forth in the solicitation.<sup>4</sup> The RFP provided for the following definition for a very good rating:

Evaluated with a certainty that the Offeror will successfully perform the proposed effort. The Offeror's understanding of the project and soundness of approach are such that little Government intervention is expected to be required in achieving the proposed level of performance. A few minor weaknesses may be noted, but can be addressed through reasonable interpretation of the Offeror's proposal.

RFP § M.3. The RFP defined an exceptional rating as follows:

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<sup>4</sup> On May 19, the agency provided the protester with documents, including the offerors' proposals, and on June 2, the agency submitted its agency report. On May 29, the protester filed a supplemental protest in which it asserted that the agency failed to evaluate Lynxnet's and STOPSO's proposals equally because it downgraded Lynxnet's proposal for proposing a particular individual as key personnel, but did not similarly downgrade STOPSO's proposal for proposing the same individual. On June 12, the protester submitted comments on the agency report, in which the protester raised an alternative argument regarding this issue, which superseded its preceding argument--that the agency's disparate evaluation of this same individual in Lynxnet's and STOPSO's proposals stemmed from the agency improperly evaluating this individual in STOPSO's proposal as an "additional key personnel" under the staffing subelement, rather than under the key personnel subelement. Protester's Comments (June 19, 2014), at 20. To the extent the protester relies upon this different assertion regarding the agency's alleged improper evaluation, the protester was required to include that information in its May 29 supplemental protest filing. The protester's failure to do so renders the supplemental allegation untimely. See 4 C.F.R. § 21.2(a)(2) (protests other than alleged solicitation improprieties must be filed within 10 days of when the protester knows or should have known its bases for protest); FR Countermeasures, Inc., B-295375, Feb. 10, 2005, 2005 CPD ¶ 52 at 9 (piecemeal presentation of issues is not permitted by our timeliness rules)

Evaluated that virtually no doubt exists that the Offeror will successfully perform the proposed effort. The Offeror's understanding of the project and soundness of approach are such that virtually no Government intervention is expected to be required in achieving the proposed level of performance. No clarification is needed, and there are no significant weaknesses noted in any rated area.

Id.

The protester argues that the FBI's assessment of a very good rating to its proposal was improper because the FBI did not assign any "minor weaknesses" to its proposal under this subfactor, and therefore should not have merited a rating lower than excellent. As the contracting officer explains, however, based on the definitions above, a proposal for a particular area "may receive all strengths and no weaknesses, but still receive a Blue/Very Good rating." CO Statement at 24. We agree. The fact that the definition for a very good rating stated that a "few minor weaknesses may be noted" does not necessarily mean that this rating is inapplicable unless minor weaknesses are assessed. On this record, we find that Lynxnet has not shown that the agency's evaluation was inconsistent with the RFP's definitions, or was otherwise unreasonable.

#### Security Evaluation

Lynxnet argues that the FBI's evaluation under the security subfactor failed to assess STOPSO's ability to meet the solicitation's security requirements. While the agency acknowledges that the written report of its security evaluation is "sparse," it contends that its evaluation was still reasonable and in accordance with the solicitation criteria. AR at 15. We agree.

The security factor stated that an offeror's security qualifications would be evaluated on a pass/fail basis. Specifically, the RFP required that offerors propose personnel with current, single scope background investigations, and stated that "[a]ll personnel will require a Top Secret clearance, be eligible for SCI and pass an In-scope Counter-Intelligence polygraph." RFP § M.6. The solicitation stated that key personnel must possess an active and transferrable top secret clearance with SCI eligibility at time of proposal submission. Id. With regard to the remaining personnel, 25 percent were required to possess the security clearances at the time of award, 50 percent by the end of week 2, 75 percent by the end of week 3, and the remaining 25 percent by the end of week 4. Id. The RFP also stated that offerors were required to have a Department of Defense (DoD) facility clearance. Id. The solicitation advised that the evaluation would consider an offeror's "understanding of the security regulatory environment as applied to the FBI's requirements, soundness of the Offeror's security approach and risk." Id.

Based on this record, we find nothing unreasonable about the agency's security evaluation.<sup>5</sup> STOPSO's proposal received a pass rating under the security factor, with no weaknesses, and one strength noted for having a current DoD top secret facility clearance. AR, Tab 14, Security Report, STOPSO, at 1. As the contracting officer explains, "[t]he Security Team did not have any concerns with the STOPSO or Lynxnet proposals." CO Statement at 17. STOPSO proposed personnel who had the required clearances and were capable of passing the polygraph. AR, Tab CD2, STOPSO Security Proposal, at 2; CO Statement at 17-18. STOPSO also proposed a schedule to comply with the solicitation requirements that all proposed personnel have clearances within four weeks. Id. Moreover, while the protester contends that the agency's documentation of its analysis was limited, the protester does not specifically argue that any aspect of the awardee's proposal failed to demonstrate compliance with the security requirements.

Additionally, as we have previously held, elaborate documentation is not necessarily required in pass/fail evaluations, particularly when the information will not be used to comparatively assess offerors. See Tiger Truck LLC, B-310759, B-310759.2, Feb. 7, 2008, 2008 CPD ¶ 44 at 5. On this record, we find no merit to the protester's arguments.

#### Other Issues

Lynxnet raises other challenges to the FBI's evaluation of the offerors' proposals. Although we do not address all of the protester's arguments, we have reviewed each issue and find that none provides a basis to sustain the protest.

For example, Lynxnet challenges the agency's evaluation of STOPSO's past performance, arguing that the awardee has no relevant past performance, and therefore did not merit a pass rating. The RFP's rating for "no relevant past performance experience," however, is a neutral/pass rating, not a fail rating, as the protester asserts. RFP § M.5. In this regard, the protester has failed to demonstrate how the alleged lack of relevant past performance demonstrates improper action by the agency or prejudiced the protester. 4 C.F.R. § 21.1(c)(4), (f) (a protest must include a detailed statement of the legal and factual grounds for the protest, and the grounds stated must be legally sufficient); see Pacific Photocopy & Research Servs., B-278698, B-278698.3, Mar. 4, 1998, 98-1 CPD ¶ 69 at 4 (finding that protesters need to provide, at a minimum, either allegations or evidence

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<sup>5</sup> Lynxnet also argues that the agency's security evaluation was unreasonable because the "risk assessment" was "pending." As the agency explains, however, the referenced risk assessment is not part of the security evaluation under section M of the RFP, but a post-award FBI security review process concerning potential risks related to firms subject to foreign ownership, control, or influence. RFP § K. Accordingly, we find no merit to this argument.

sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action). Accordingly, we conclude that the protester has failed to state a valid basis for protest.

Lynxnet also contends that the FBI should have eliminated STOPSO's proposal from consideration for award because STOPSO's proposal did not demonstrate compliance with the limitation on subcontracting provision in the solicitation, Federal Acquisition Regulation (FAR) § 52.219-14, which requires that at least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern. Specifically, in its comments on the agency report, submitted on June 19, Lynxnet argues that the agency should have concluded that STOPSO's proposal, on its face, demonstrated that the awardee would not comply with the limitation on subcontracting requirement because STOPSO's proposal stated that STOPSO's industrial hygienist would be a 1099 independent contractor, meaning that STOPSO would only actually perform 49.5 percent of the cost of performance.

The documents upon which the protester bases this argument, however, were provided to the protester by the agency on May 19, 2014. Although the protester asserted other general allegations regarding the awardee's compliance with the subcontracting limitation requirement in its initial protest and supplemental protest, submitted on May 5 and May 29, respectively, it failed to raise the allegation regarding STOPSO's 1099 independent contractor within 10 calendar days of May 19. 4 C.F.R. § 21.2(a)(2); FR Countermeasures, Inc., *supra*, at 9. Accordingly, this argument is untimely.

#### Best Value Decision

Finally, Lynxnet argues that the award to STOPSO, the lowest-priced offeror, was unreasonable because the agency failed to properly consider the advantages and disadvantages associated with the proposals. Specifically, the protester contends that the SSA relied solely on the adjectival ratings in concluding that the technical proposals were equal, without looking behind the ratings at the actual evaluation of the proposals. As discussed below, we find no merit to this argument.

In a best value procurement, it is the function of the selection official to perform a price/technical tradeoff, that is, to determine whether one proposal's technical superiority is worth the higher price, and the extent to which one is sacrificed for the other is governed only by the test of rationality and consistency with the stated evaluation criteria. Savvee Consulting, Inc., B-408416.3, Mar. 5, 2014, 2014 CPD ¶ 92 at 7. Where a selection official reasonably regards proposals as being essentially technically equal, however, price properly may become the determining factor in making award, notwithstanding that the solicitation assigned price less importance than the technical factors. Staff Tech, Inc., B-403035.2, B-403035.3, Sept. 20, 2010, 2010 CPD ¶ 233 at 6-7. The fact that no price/technical tradeoff is

required between quotations found to be technically equal does not negate the fact that the agency made award on a best-value basis. The MIL Corp., B-297508, B-297508.2, Jan. 26, 2006, 2006 CPD ¶ 34 at 13.

Here, the record shows that in considering whether any of the differences between the two proposals amounted to discriminators, the SSA received and reviewed the TET consensus reports and the final award recommendation report, and received a briefing from the chair of the source selection board. AR, Tab 28, SSDD, at 1. The source selection decision document includes four pages of detailed recitation of the key technical strengths of Lynxnet's and STOPSO's proposals, along with corresponding page numbers in the offeror's proposals. Id. at 8-12. As reflected by the selection decision, while both offerors were rated exceptional in all three of the technical subfactors, the SSA was fully aware of the key strengths for each offeror under every subfactor. The SSA explained that "[a]n award to either offeror was recommended by the Source Selection Evaluation Chairperson." Ultimately, the SSA concluded that STOPSO's and Lynxnet's proposals were "equally Exceptional," and that the evaluation of their proposals were "nearly identical." Id. at 8. Accordingly, the SSA decided to award the contract to the lowest-priced offeror, STOPSO. Id.

Based on this record, we find no merit to the protester's arguments that the SSA failed to consider the individual strengths assessed to each offeror in finding the proposals essentially technically equal. The SSA reasonably determined that the proposals of STOPSO and Lynxnet were essentially equal as to all noncost factors, and accordingly, reasonably concluded that STOPSO's lower-price proposal represented the best value to the FBI.

The protest is denied.

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General Counsel