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Decision

Matter of: Science Applications International Corporation

File: B-411212.2; B-411212.3

Date: June 19, 2015

Shelly L. Ewald, Esq., Eric M. Liberman, Esq., Scott Fitzsimmons, Esq., Watt, Tieder, Hoffar & Fitzgerald, L.L.P., for the protester.

Gabriel E. Kennon, Esq., Daniel J. Strouse, Esq., David S. Cohen, Esq., Amy J. Spencer, Esq., and John J. O'Brien, Cohen Mohr LLP, for Intelligent Decisions, Inc., and Elizabeth N. Jochum, Esq., Gregory R. Hallmark, Esq., and David S. Black, Esq., Holland & Knight LLP, for SRA International, Inc., the intervenors.

Brenda Oswalt, Esq., Administrative Office of the United States Courts, for the agency.

Charles W. Morrow, Esq., and Jonathan L. Kang, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's award decision is denied where the source selection authority reasonably identified relevant technical distinctions between the offerors' proposals, and reasonably concluded that the protester's higher-priced proposal was not worth a price premium as compared to the lower-priced, lower-technically rated proposals of certain awardees.

DECISION

Science Applications International Corporation (SAIC), of McLean, Virginia, protests the awards of contracts to ActioNet, Inc., of Vienna, Virginia; AT&T Government Solutions, Inc., of Vienna, Virginia; Camber Corporation, of Huntsville, Alabama; CRGT, Inc., of Reston, Virginia; Intelligent Decisions, Inc., of Ashburn, Virginia; and SRA International, Inc., of Fairfax, Virginia, under request for proposals (RFP) No. USCA14R0014, issued by the Administrative Office of the United States Courts (AOUSC), for information technology (IT) support services. SAIC challenges the agency's best-value selection decisions.

We deny the protest.

BACKGROUND

As part of its mission, AOUSC provides IT support services to the judicial branch through the Judiciary Multiple-Award Services (JMAS) contract. RFP at 5. These services include software development, implementation, and maintenance; testing/quality assurance, systems security, project management, planning and acquisition support; and IT education and training. Id. The RFP, which was issued on April 1, 2014, sought proposals for the fourth iteration of this multiple-award contract (JMAS IV), which will provide a broad range of information technology support services, spanning the entire systems development life-cycle, including services related to new and emerging technologies, with a primary focus on IT services and telecommunications. See id. at 6.

The RFP contemplated the award of up to six indefinite-delivery/indefinite-quantity (ID/IQ) contracts, which will have a base performance period of 1 year, four 1-year options, and an additional 6-month option. The contracts will provide for competition for task orders that will be fixed-price, labor-hour, time-and-material, or a hybrid of these types. See id. at 6, 54. Award was to be made on a best-value basis considering four technical evaluation factors and price. The first factor, technical capability and contract compliance certification, was to be evaluated on a go/no go basis; the other factors, listed in descending order of importance, were: (1) past performance, (2) management plan and approach, and (3) key personnel. Together the non-price factors were significantly more important than price.

Thirty offerors, including SAIC, ActioNet, AT&T, Camber, CRGT, Intelligent Decisions, and SRA, responded to the RFP by the May 21, 2014, closing date. The contracting officer found that each of the 30 proposals should be rated acceptable (“go”) under the technical capability and contract compliance certification evaluation factor. See Agency Report (AR), Tab 5, Source Selection Memorandum, at 4.

A technical evaluation team (TET), including a past performance evaluation team, evaluated proposals in accordance with the evaluation criteria established in the RFP and source selection plan (SSP). For past performance, the evaluation considered the quality of the offeror’s recent and relevant past performance, with greater weight being assigned to more relevant past performance, i.e., more similarity in terms of size, scope, and past performance. See RFP at 55-56; AR, Tab 6.0, SSP, at 5. For this purpose, each proposal was assigned a past performance confidence rating.¹ Under the management plan and approach, and key personnel factors, the TET assigned adjectival ratings to the proposals based

¹ The possible ratings were exceptional, good, adequate, marginal, unacceptable, and unknown/neutral. Id. at 10.

on the documented strengths, weaknesses, and deficiencies identified in each proposal.² Price was evaluated for reasonableness. See id. at 14.

The pertinent results were as follows:

	Evaluated Price	Past Performance	Management Plan/ Approach	Key Personnel
ActionNet	\$266,813,671	Good	Good	Good
SRA	\$282,504,368	Good	Outstanding	Good
Camber	\$295,597,539	Good	Outstanding	Outstanding
AT&T	\$310,157,546	Good	Good	Good
CRGT	\$315,919,884	Good	Good	Good
Intelligent Decisions	\$322,654,824	Good	Good	Outstanding
SAIC	\$353,952,650	Good	Good	Outstanding

See AR, Tab 5, Source Selection Memorandum, at 6-7.

Based upon the evaluation, the source selection authority (SSA), found that the proposals of ActionNet, AT&T, Camber, CRGT, Intelligent Decisions, and SRA offered the best value. In making this determination, the SSA compared all of the proposals under the past performance, management plan and approach, and key personnel factors. See AR, Tab 5, Source Selection Memorandum, at 8. The SSA concluded that each of these proposals was a better value than SAIC's proposal. See id. at 18. The AOUSC awarded contracts to ActionNet, AT&T, CRGT, Intelligent Decisions, SRA, and Camber, on February 27, 2015. After a debriefing, this protest followed.

DISCUSSION

SAIC contends that AOUSC failed to follow the RFP's award criteria in making best-value tradeoffs between the offerors' proposals. Specifically, the protester argues that the SSA failed to accord the proper weight to the non-price factors, and failed to accord the proper weight to price. To this effect, SAIC argues that AOUSC improperly selected for award ActionNet, AT&T, and CRGT--each of whose proposals were lower-rated, and lower-priced than SAIC's proposal. See Protest at 8. For the reasons discussed below, we find no basis to sustain the protest.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of the technical and

² The possible ratings were outstanding, good, acceptable, marginal, and unacceptable. Id. at 12-13.

price evaluation results; price/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the solicitation's evaluation criteria. Halfaker & Assocs., LLC, B-407919, B-407919.2, April 10, 2013, 2013 CPD ¶ 98 at 12. Even where, as here, technical merit is significantly more important than cost, an agency may properly select a lower-cost, lower-rated proposal if it reasonably decides that the cost premium involved in selecting a higher-rated, higher-cost proposal is not justified. Id. For example, in Bahrain Maritime & Mercantile Int'l BSC, B-407575.6, July 29, 2014, 2014 CPD ¶ 320 at 7, we held that the selection of a lower-rated, lower-priced proposal was unobjectionable where the award decision reflected that the SSA was aware of the advantages provided by the protester's higher-priced, higher-rated proposal, but reasonably concluded that these advantages did not justify the price premium.

SAIC argues that, rather than selecting proposals for award based on the RFP's evaluation criteria, AOUSC merely awarded contracts to the lowest-priced offerors whose proposals received a minimum technical evaluation rating of good for each of the non-price evaluation factors (aside from the go/no go technical capability and contract compliance certification factor). Protester's Comments at 2. As support for this contention, the protester argues that the SSA did not meaningfully document the basis for selecting the awardee's lower-priced proposals for award. The protester also argues that the SSA did not adequately value the protester's superiority in past performance, as required by the evaluation scheme.³

We conclude that the record demonstrates that the SSA documented her deliberations and rationale, as required, and independently determined that the technical advantages of SAIC's proposal, with regard to past performance and key

³ SAIC filed a supplemental protest challenging the propriety of the TET's past performance evaluation of proposals because, notwithstanding the qualitative differences between the past performance records of the 30 offerors, all with the exception of one were rated good under the past performance factor. As discussed below, however, the SSA recognized that SAIC's past performance was superior to all other offerors, and the best-value tradeoff decisions between the protester and the awardees all recognized this distinction. For this reason, even if the agency unreasonably assigned good ratings to 29 of the offerors, there is no basis to conclude that the protester could have been prejudiced by such an error because the SSA's best-value decisions independently considered the specific past performance records of each offeror, including the relevance of each offeror's record, rather than relying on the adjectival ratings. See Hi-Way Paving, Inc., B-410662, Jan. 21, 2015, 2015 CPD ¶ 50 (possible error in assigning evaluation rating for the protester's past performance was not prejudicial where the agency documented clear basis for concluding that the awardee's past performance was superior).

personnel, were not worth the significant price premium when compared to the awardees' proposals, including the lower-rated, lower-priced proposals of ActioNet, AT&T, and CRGT. See AR, Tab 5, Source Selection Memorandum, at 24-25, 46-47 and 91-92.

First, the record shows that the SSA specifically considered the individual strengths and weaknesses of each offeror's proposal. The SSA in making best-value tradeoff decisions compared each of the other 24 unsuccessful offerors' proposals, including SAIC's proposal, to each of the six awardees' proposals as assessed under the past performance factor, management plan and approach factor, and key personnel factor. Id. at 8. In her analysis, the SSA considered the benefits and risks of each proposal, including which offeror's strengths provided the most benefit to the agency. For example, with regard to past performance, the SSA made her own independent assessment of the relevance of each offeror's past performance, based on dollar values, number of task areas and customer ratings. See id. The SSA also made adjustments to each offeror's evaluation ratings, where appropriate, based on her own independent assessments. For example, the SSA took exception to the TET's rating of SAIC's proposal as acceptable under the management plan and approach factor, and raised the protester's rating to good under this factor. Id. at 12.

Further, as discussed above, the record shows that the SSA did not simply base her best-value tradeoff decisions on the adjectival ratings developed by the TET, but instead considered and compared the underlying support for the adjectival ratings. With regard to SAIC, the SSA cited specific strengths in the protester's proposal, including its management of multiple task orders and cost control. Id. at 12. Moreover, the SSA found SAIC's past performance record to be superior to the past performance records of each of the six awardees.⁴ See id. at 25, 46-47, 67-68, 91, 114, and 134-135.

⁴ SAIC also asserts that the SSA's comparison of the offerors' proposals used inconsistent terms, which suggested an overall flawed evaluation. For example, SAIC complains that although the SSA found its past performance "slightly superior" to that of ActioNet, and "superior" to that of Intelligent Decisions, the SSA also found, for purposes of evaluating another non-awardee, that both ActioNet and Intelligent Decisions were "superior" to the non-awardee. SAIC mistakenly concludes that this language meant that ActioNet and Intelligent Decisions were equal under the past performance factor. Supp. Protest at 9. Based on our review of the record, specifically the agency's recognition of the strengths of the protester's proposal and the agency's consideration of whether the protester's proposal merited award as compared to the awardees' lower-rated, lower-priced proposals, we find no merit to this contention.

Next, the record shows that the SSA's best-value tradeoff decisions recognized the relative weights of the evaluation factors as required by the RFP, including that past performance was the most important factor, followed by the management plan and approach factor, then key personnel. Id. at 7. For example, the SSA specifically recognized that "the Past Performance factor is more important than [the] Management Plan and Approach factor, which, in turn, is more important than the Key Personnel factor, and taken together, the technical strength (non-price factors) of the offer is more important than price." Id.

After considering the differences between the offerors' proposals under each of the evaluation factors, including price, the SSA concluded that SAIC's technical advantages under the past performance and key personnel factors did not justify paying SAIC's price premium. For example, with regard to ActioNet, the SSA concluded that although SAIC's past performance was slightly superior to ActioNet's, and its proposal was superior to ActioNet's under the key personnel factor, ActioNet's proposal provided the better value to the government because its proposal provided more meaningful strengths under the management plan and approach factor. In addition, ActioNet's price of \$266,813,671 was \$87,138,979 less than SAIC's price of \$353,952,650.⁵ Id. While the SSA recognized that SAIC's proposal provided benefits, she concluded these benefits were not worth the price premium over ActioNet's proposal. Id. at 92.

Similarly, the SSA concluded that although SAIC's past performance was superior to CRGT's, and the protester offered a program director who was slightly superior to CRGT's program director, CRGT's proposal provided the better value to the government because it had more significant strengths than SAIC's proposal under the management plan and approach factor, and its price of \$315,919,884 was \$38,032,765 lower than SAIC's price. Id. at 91-92. Again, while the SSA recognized that SAIC's proposal provided benefits as compared to CRGT's proposal, they were not worth the price premium. Id. at 92.

Contrary to the protester's arguments, the fact that the SSA concluded that when confronted with the significant price difference between SAIC's proposal and the lower-rated, lower-priced, proposals, the additional benefits of its proposal were not worth the premium, does not show that the SSA did not properly value the technical factors over price. As our Office has held, there is no requirement that the key award discriminator be related to the most heavily-weighted evaluation factor, provided the agency has explained the basis for finding that an awardee's

⁵ For purposes of our decision, we only discuss the SSA's best value analyses of some of the lower-priced offerors for illustrative purposes. However, we have reviewed the agency's complete tradeoff decision between SAIC and all six of the awardees, and conclude that none of SAIC's arguments provide a basis to sustain the protest.

advantages under lesser-weighted evaluation factors outweigh other offerors' advantages under the more heavily-weighted factors. SGT, Inc., B-405736, B-405736.2, Dec. 27, 2011, 2012 CPD ¶ 149 at 10. Thus, SAIC has not shown on this record that the SSA acted unreasonably in concluding that its higher technically-rated proposal was not worth the price premium, given the merits of the lower-rated, lower-priced proposals.

In sum, we find that the agency's source selection decision was reasonable, consistent with the solicitation's evaluation criteria, and adequately documented.

The protest is denied.

Susan A. Poling
General Counsel