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Decision

Matter of: Savantage Financial Services, Inc.

File: B-411647; B-411647.2

Date: September 17, 2015

Katherine S. Nucci, Esq., Scott F. Lane, Esq., and Jayna M. Rust, Esq., Thompson Coburn LLP, for the protester.

John J. O'Brien, Esq., Gabriel E. Kennon, Esq., and Laurel A. Hockey, Esq., Cohen Mohr LLP, for CSCI Consulting, Inc., the intervenor.

Rob L. Smith, Esq., and Jamie Spence, Esq., Defense Finance and Accounting Service, for the agency.

Robert T. Wu, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging various aspects of the agency's evaluation of quotations and best value award determination is denied where the record shows the agency's evaluation and award decision were reasonable.

DECISION

Savantage Financial Services, Inc., of Rockville, Maryland, protests the issuance of an order to CSCI Consulting, Inc., of Indianapolis, Indiana, by the Department of Defense (DoD), Defense Finance and Accounting Service (DFAS), under request for quotations (RFQ) No. KDDVA5RV510 for support services for the agency's Defense Departmental Reporting System (DDRS). Savantage challenges the agency's evaluation of quotations under each of the non-price factors and the best value award determination.

We deny the protest.

BACKGROUND

The RFQ was issued on March 6, 2015, utilizing the procedures set forth in Federal Acquisition Regulation (FAR) Subpart 8.4. RFQ at 1. Quotations were sought from holders of General Services Administration (GSA) Federal Supply Schedule (FSS) contracts under North American Industry Classification System (NAICS) Code

541519 to provide a variety of operational and functional support to DFAS for the sustainment of the DDRS. Id. The resulting order was to be issued on a time-and-materials basis for one base year and up to two 1-year option periods. Id.

The RFQ listed as an acceptance criterion that the offeror must be able to perform the requirements of the performance work statement (PWS), and included three evaluation factors: past performance, technical approach, and price. Id. at 1-2. Past performance and technical approach were to be approximately equal and, when combined, were to be significantly more important than price. Id. at 2.

Under the past performance factor, the agency was to evaluate a vendor's recent and relevant experience and past performance in the management of and results achieved in similar projects. Id. Relevant experience was defined as experience substantially similar to the efforts described in the PWS in terms of size (both cost and length of effort), scope and complexity. Id. Contractors with DoD experience with business systems were to be rated more favorably than those without that experience. Id.

The technical approach factor consisted of the evaluation of two specified elements: (1) whether the vendor has demonstrated an understanding of the work to be performed based on labor categories/descriptions quoted, and (2) whether proposed labor categories/resources have the appropriate education and training, and whether the staffing mix/balance is sufficient to meet the PWS requirements as judged by labor categories. Vendors were to also be evaluated for whether proposed resources have experience with DoD business systems. Id. Price was to be evaluated for reasonableness. Id.

Four quotes were received by DFAS, including those from CSCI and Savantage, the incumbent contractor. Agency Report (AR), exh. 9, Best Value Determination, at 3. The agency conducted an initial evaluation of quotations utilizing two technical evaluators. As relevant here, the evaluators found numerous weaknesses in CSCI's quotation under both the technical approach and past performance factors. See generally AR, exhs. 10 and 11, Individual Evaluators' Worksheets. At some point during the evaluation, the contracting officer expressed concern that the technical evaluations provided were late, not consolidated, and inconsistent with the evaluation factors stated in the RFQ. Contracting Officer's Statement at 1. The agency decided that the Executive Assistant to the Senior Executive Service (EA) would assume responsibility for the evaluation process, which was conducted in coordination with the contracting officer, legal counsel and a subject matter expert. Id. at 1-2.

After receiving and considering the EA's technical evaluation, the contracting officer, acting as the source selection authority (SSA), drafted his best value award decision. In doing so, he relied on the final technical evaluation, discussions with relevant parties, and the initial technical evaluation to the extent that it was

consistent with the evaluation criteria stated in the RFQ. Id. at 2. As a result of the evaluation, the quotations of both Savantage and CSCI received a consolidated rating of Outstanding for the non-price factors. AR, exh. 9, Best Value Determination at 5. CSCI quoted a price of \$5,004,564.26 and Savantage quoted a price of \$6,068,999.00. Id. at 10. The contracting officer found that Savantage's quotation did not demonstrate any additional value based on the evaluation criteria to justify paying the additional amount of \$1.07 million. Id. at 11. On this basis, he determined that CSCI's quotation represented the best value to the government. This protest followed.

DISCUSSION

Savantage first challenges various aspects of the agency's evaluation under the non-price factors. Protest at 6-9. For instance, the protester argues that the contracting officer improperly disregarded a technical evaluation that was consistent with the RFQ, and the contracting officer unreasonably ignored the evaluators' judgments. Protester's Comments at 2-7. Savantage also argues that the agency failed to evaluate CSCI's technical approach and past performance quotations in accordance with the RFQ's evaluation criteria. Id. at 7-8, 14-18. We have considered each of Savantage's arguments, and find no basis to sustain the protest.

Where, as here, an agency issues an RFQ to FSS contractors under FAR subpart 8.4 and conducts a competition, we will review the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation. Digital Solutions, Inc., B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 3-4; DEI Consulting, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate the quotations; rather, we will examine the record to determine whether the agency's evaluation conclusions were reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. OPTIMUS Corp., B-400777, Jan. 26, 2009, 2009 CPD ¶ 33 at 4. A protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. DEI Consulting, supra.

The agency contends that its evaluation of quotations was reasonable. DFAS argues that it structured the evaluation of non-price factors to focus not on the specific DDRS requirement, but rather more broadly on the labor being provided, on past performance of contracts similar in size, scope, and complexity, and on experience with DoD business systems. Legal Memorandum at 4.

Our review of the record leads us to conclude that the agency's interpretation of the evaluation criteria is reasonable. While the protester in essence argues that the agency's evaluation of CSCI's quotation should have focused on the firm's experience with DDRS, that is not the focus of the stated evaluation criteria. With

respect to the technical approach factor for instance, understanding of the work to be performed was to be based on labor categories/descriptions quoted. The record shows that the contracting officer focused his evaluation on the proficiencies outlined in CSCI's labor categories. AR, exh. 9, Best Value Determination, at 6.

Likewise, with respect to the technical approach factor, demonstrated education and training, which the protester asserts CSCI's key personnel lack, was based on proposed labor categories and resources, not on any particular attributes of proposed key personnel. Protester's Comments at 13-14; RFQ at 6. Thus, the agency's explanation that the contracting officer evaluated these aspects of CSCI's quotation based on the labor categories proposed by CSCI in finding that the firm met the requirements of the PWS, is reasonable given the stated evaluation criteria. Supp. Legal Memo. at 7-8.¹

Savantage's challenge to the agency's evaluation of CSCI's quotation under the past performance factor is also without merit. The protester argues that the agency's original technical evaluation team assigned seven weaknesses to CSCI's quotation, and the contracting officer inexplicably and improperly rejected that evaluation, which the protester asserts was both supported by the record and consistent with the terms of the RFQ. Protester's Comments at 14-15. Savantage also takes issue with the SSA's alleged failure to provide a contemporaneous record of why he did not adopt the initial technical evaluation, and asserts that the agency improperly limited its evaluation of CSCI's past performance only to consideration of size, and not scope or complexity of prior contracts, as required by the evaluation criteria. Protester's Comments at 14-17; AR, exh. 12, Quote Analysis Report, at 5.

Our Office examines an agency's evaluation of past performance to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations; however, the necessary determinations regarding the relative merits of offerors' quotations are primarily matters within the contracting

¹ Savantage also argues that the agency disparately evaluated CSCI's quotation vis-à-vis two other offerors by only reevaluating CSCI's quotation. Protester's Comments at 10-13. The contracting officer explains that he conducted an evaluation of all quotations, but focused his reevaluation on CSCI because of the three offerors other than Savantage, he determined CSCI's quotation was the least likely to have weaknesses unrelated to the evaluation team's misinterpretation of the RFQ. Contracting Officer's Supp. Statement at 1. To the extent that the agency's selective reevaluation was an evaluation error, Savantage has not shown that it was prejudiced by this error. See McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3; CACI Techs., Inc., B-408552, Nov. 1, 2013, 2013 CPD ¶ 255 at 10 (competitive prejudice is a necessary element of any viable bid protest).

agency's discretion. Advanced Env'tl. Solutions, Inc., B-401654, Oct. 27, 2009, 2010 CPD ¶ 7 at 5. In this regard, our Office will not question an agency's determinations absent evidence that those determinations are unreasonable or contrary to the stated evaluation criteria. Id. As relevant here, a source selection official may disagree with the evaluation ratings of lower-level evaluators, and may make an independent evaluation judgment, provided that the basis for that judgment is reasonable and documented in the contemporaneous record. Halfaker & Assocs., LLC, B-407919, B-407919.2, Apr. 10, 2013, 2013 CPD ¶ 98 at 6.

Contrary to the protester's allegations, the record shows that the SSA found that CSCI demonstrated recent and relevant past performance experience in terms of size, scope and complexity on at least five prior contracts, including contracts involving DDRS. AR, exh. 9, Best Value Determination, at 6. The SSA also found that CSCI's previous performance record indicated exceptional performance on recent and relevant contracts supporting DFAS, which he considered a strength. Id. The SSA explains that in evaluating CSCI's past performance, he read through the past performance sections of all quotations, and consulted with other agency personnel, ultimately determining that CSCI demonstrated operational experience that was substantially similar to the DDRS PWS. Supp. Contracting Officer's Statement at 1-2.

While Savantage disagrees with the SSA's evaluation of CSCI's past performance, and his determination not to adopt the original technical evaluation, the protester has not shown that the SSA's actions were unreasonable. In this regard, the protester does not address the agency's post protest arguments, which we find to be both credible and consistent with the record,² nor does Savantage address the SSA's best value determination, discussed above, where he did find CSCI's past performance to be relevant in terms of not only size, but also scope and complexity. AR, exh. 9, Best Value Determination, at 6. On this record, we are provided no basis to conclude that the agency's actions were unreasonable.

Finally, Savantage challenges the agency's best value determination, arguing that the SSA's evaluation relied only on the consideration of adjectival ratings for the non-price factors with no consideration of the relative merits of the technical

² Agencies are required to adequately document the final evaluation conclusions on which their source selection decision was based. Booz Allen Hamilton, Inc., B-409355, B-409355.2, Mar. 19, 2014, 2014 CPD ¶ 100 at 7. However, where the agency offers post-protest explanations that provide a detailed rationale for contemporaneous conclusions and simply fill in previously unrecorded details, as here, such explanations will generally be considered in our review of the rationality of selection decisions, so long as those explanations are credible and consistent with the contemporaneous record. Management Sys. Int'l, Inc., B-409415, B-409415.2, Apr. 2, 2014, 2014 CPD ¶ 117 at 6.

approach and past performance evaluations. Protester's Comments at 20. In this regard, the SSA determined the following:

The Savantage price is \$1.07 million (23.1%) more than CSCI. Savantage does not demonstrate any additional value based on the evaluation criteria to justify paying the additional amount, as Savantage and CSCI both have "Outstanding" non-price ratings. . . . I determine CSCI is to be the best value to the government.

Id. at 11. While this tradeoff evidences only a discussion of the technical merits of quotations at the level of adjectival ratings, the remainder of the best value determination did discuss the merits of each quotation and concluded that Savantage's quotation did not demonstrate any additional value to warrant paying a price premium. On this record, we conclude that the agency's best value determination is adequately documented, and reasonable.

The protest is denied.³

Susan A. Poling
General Counsel

³ Savantage also argues that the agency improperly considered portions of CSCI's quotation that, according to the protester, exceeded the page limits stated in the RFQ. The agency counters that the RFQ afforded the agency the discretion to only consider the ten substantive pages included in CSCI's technical volume, and to not consider the cover page and table of contents for the technical volume. Supp. Memo. of Law at 9-10. We agree. The RFQ permitted offerors to submit up to a maximum of 10 pages of information detailing the offeror's technical approach. RFQ at 3. The RFQ further required all pages to be numbered and stated that excess pages will be removed and will not be evaluated. Id. at 2. There is nothing in the RFQ that would require the agency to exclude the last two pages of the technical volume, as the protester argues. We conclude that the agency's exclusion of the unnumbered, non-substantive prefatory pages was reasonable under the terms of the RFP. See Trident Sys., Inc., B-243101, June 25, 1991, 91-1 CPD ¶ 604 at 5-6; ManTech Advanced Sys. Int'l, Inc., B-409596, B-409596.2, June 13, 2014, 2014 CPD ¶ 178 at 3 n.5.