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Decision

Matter of: Airborne Tactical Advantage Company, LLC

File: B-414929.2; B-414929.3

Date: September 28, 2018

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DIGEST

1. Protest alleging that awardee’s proposed aircraft cannot simultaneously meet various solicitation performance requirements is denied where solicitation did not require offerors meet all performance requirements under a single aircraft configuration.
 2. Protest challenging agency’s assessment that awardee’s technical solution was low risk is denied where protest allegations are not supported by the record, and evaluation was reasonable and consistent with the solicitation.
 3. Protest challenging agency’s price realism analysis is denied where agency performed the evaluation contemplated by the solicitation when it identified an inconsistency in awardee’s technical and price proposals, which was subsequently resolved through discussions.
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DECISION

Airborne Tactical Advantage Company, LLC, (ATAC) of Newport News, Virginia, protests the award of a contract to Tactical Air Support, Inc., (TacAir) of Reno, Nevada, pursuant to request for proposals (RFP) No. N00421-15-R-0099, which was issued by the Department of the Navy, Naval Air Systems Command (NAVAIR), for adversary fighter services. ATAC primarily contends that the aircraft the awardee proposed for performance cannot meet various technical requirements. ATAC also challenges the

evaluation of the awardee's technical risk and price realism, as well as the agency's best-value determination.

We deny the protest.

BACKGROUND

To mitigate the loss of sufficient training assets caused, in part, by what the agency deems "tremendous readiness gaps in the Navy's organic and adversary fleets," the Navy has turned to contractors to satisfy combat readiness training exercises. Agency Report (AR), exh. 19, Source Selection Plan, at 6. Following a request for information, two industry days, and multiple draft RFPs, NAVAIR issued the solicitation for 4th generation adversary fighter services on May 17, 2017, as a competitive negotiated procurement under Federal Acquisition Regulation (FAR) part 15. Contracting Officer's Statement (COS) at 1-2; AR, exh. 3, Conformed RFP, at 1-2. The solicitation contemplated the award of a single fixed-price, indefinite-delivery, indefinite-quantity (IDIQ) contract with, essentially, a 5-year ordering period and an estimated value of \$235 million. RFP at 46, 102; COS at 1.

Performance-Based Work Statement Requirements

The solicitation included a performance-based work statement (PBWS) that described the flight services to be provided and identified numerous performance and capability requirements applicable to the contractor's aircraft. Pursuant to the PBWS, the awardee was to provide contractor owned, operated, and maintained aircraft for a "wide variety of airborne threat simulation capabilities to train aircraft squadron aircrew and shipboard system operators on how to counter potential enemy advanced airborne threats, tactics, Electronic Warfare (EW), and Electronic Attack (EA) operations." RFP at 10 (PBWS ¶ 1.0). More specifically, the awardee was to provide "tactically-relevant 4th Generation fighter jets for air-to-air tracking, targeting, and tactical intercept, offensive/defensive counter-air, and air interdiction operations to include associated equipment systems that interface with various platforms and ground force personnel." Id. at 11. Contractor aircraft were to simulate non-western threat aircraft capabilities in an air-to-air environment. Id. The primary location for these services is the Naval Air Station (NAS) Fallon, Nevada, in support of the Naval Aviation Warfighting Development Center (NAWDC). Id. at 10-11.

Following an up to 12-month "capability standup" period,¹ the PBWS required that the contractor provide "a minimum of four (4) mission capable (MC) aircraft" that meet the PBWS's multitude of aircraft performance and capability requirements. Id. at 17 (PBWS ¶ 1.3.2). The PBWS identified the several types of required missions: flights under

¹ Each offeror was to propose the duration of its capability standup period, not to exceed 12 months, during which the contractor would modify its aircraft, as necessary, to meet the PBWS requirements. RFP at 8, 100-01.

positive control, flights with indirect control, electronic warfare pod missions, and detachments to locations outside of NAS Fallon. Id. (PBWS ¶ 1.3.3). In addition, the contractor would be required to participate in two additional training events: Airwing Fallon (four times a year for approximately 20 days) and TOPGUN events (three times per year for approximately 19 days). Id. at 25 (PBWS ¶¶ 1.3.6.2.1, 1.3.6.2.2). During these events, aircraft operations were “anticipated to normally follow a four turn four turn four pattern daily,” which meant that four aircraft would be launched at a time, at least three times a day. Id.; Comments & Supp. Protest at 45. Additionally, the PBWS provided a “normal schedule” for flight operations, but also noted that “flight operations may be scheduled and conducted at any time, 24 hours a day, and 7 days a week.” RFP at 25 (PBWS ¶ 1.3.6.2). Further, the PBWS anticipated that an average of 2,300 flight hours would be flown per year.² Id. (PBWS ¶ 1.3.6.1).

As mentioned, the PBWS contained numerous aircraft performance and capability requirements. For instance, all aircraft were to be equipped with a radar warning receiver system and configured to carry a tactical combat training system pod. Id. (PBWS ¶¶ 1.3.1.1, 1.3.1.4). For a dozen categories of requirements, the PBWS defined two levels of desired performance capability: a minimally acceptable “threshold” level and an “objective” level of more advanced capabilities beyond the threshold metrics. Id. at 12-16 (PBWS ¶ 1.3.1, Table 1.1). Relevant to this protest is the endurance requirement:

Endurance	<p>Threshold: Assume Standard day conditions. Launch from 4K MSL, climb to 30K MSL then cap for 15 min at max endurance. Execute a 100NM run at 30K MSL at 0.9 IMN and kill remove at 5K MSL. Transit back to initial cap at 5K MSL then climb back to 30K MSL and repeat once³</p>
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² The RFP provided that the IDIQ contract’s guaranteed minimum quantity would be 172,500 flight minutes (2,875 flight hours), and the RFP’s schedule of services sought pricing for an estimated 690,000 flight minutes (11,500 flight hours). RFP at 4, 47.

³ The protester explains the endurance profile as follows:

“MSL” means “Mean Sea Level,” so when the RFP instructs offerors to “launch from 4K MSL” and “climb to 30K MSL,” it means take off from 4,000 above sea level (which is the altitude of Naval Air Station Fallon) and climb to 30,000 feet above sea level. “Cap for 15 min at max endurance” means to hold, most commonly by turning in a slow circle, at the airspeed that would burn the least amount of fuel for a given period of time. “Execute a 100NM run at 30K MSL at 0.9 IMN and kill remove at 5K MSL” means that, after holding at an airspeed designed to conserve fuel for 15 minutes, the offeror must then accelerate to 90% of the speed of sound and travel 100 nautical miles[¶] at 30,000 feet above sea level (the same altitude the aircraft held at for the previous 15 minutes). The speed of sound varies based upon altitude and temperature (among other

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	<p>Objective: Assume Standard day conditions. Launch from 4K MSL, climb to 30K MSL then cap for 15 min at max endurance. Execute a 100NM run at 30K MSL at 0.9 IMN and kill remove at 5K MSL. Transit back to initial cap at 5K MSL then climb back to 30K MSL and repeat once. Profile flown twice on one event</p>
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Id. Other aircraft requirements relevant to this protest relate to radar. The PBWS required that the contactor’s mission capable aircraft be equipped with a mechanically scanned array (MSA) radar, and the PBWS defined threshold and objective performance metrics for the MSA radars. Id. at 13 (PBWS ¶ 1.3.1, Table 1.1). In addition, the solicitation provided for optional “premium” flight minutes from aircraft equipped with active electronically scanned array (AESA) radar capability.⁴ Id. at 6, 9; see also id. at 16 (PBWS ¶ 1.3.1, Table 1.2) (defining the threshold and objective level performance requirements for AESA radar).

Evaluation Criteria

Award was to be made on a best-value tradeoff basis, considering (in descending order of importance) technical, past performance, and price evaluation factors.⁵ Id. at 105. With respect to the technical evaluation, the RFP contemplated an assessment of both whether the proposal met the minimum requirements of the solicitation (e.g., the threshold aircraft performance requirements), as well as any risks associated with the technical proposal.⁶ Id. The technical evaluation was to assess nine “technical elements”: capability standup-base aircraft, aircraft performance requirements,

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things), but on a standard day at 30,000 feet, this is roughly 680 miles per hour. “Transit back to initial cap at 5K MSL then climb back to 30K MSL and repeat once” means to return to the place (100 nautical miles away) where the aircraft had been holding at 5,000 above sea level, and climb back to 30,000 feet before re-entering the holding pattern again.

Comments & Supp. Protest at 8.

⁴ The RFP provided that the Navy had 6 months to exercise the optional contract line items requiring AESA radar capability. RFP at 46.

⁵ The RFP provided that price was “not the most important evaluation factor, but its degree of importance [would] increase commensurably with the degree of equality among different offeror’s Technical and Past Performance proposals.” RFP at 106.

⁶ The assessment of technical risk was to consider the “potential for disruption of schedule, increase in costs, degradation of performance, the need to increase Government oversight, or the likelihood of unsuccessful contract performance.” RFP at 105.

airworthiness data, aircraft support, aircraft availability, personnel resources, capability standup-AESA radar, AESA performance requirements, and small business utilization strategy. Id. at 106-07.

Under the second technical element, aircraft performance requirements, NAVAIR would evaluate the offeror's proposed aircraft performance capabilities, aircraft configuration, and special equipment, and validate that the proposed aircraft met at least the PBWS's threshold performance requirements. Id. at 106. For this technical element, the RFP provided that the agency would assign a strength where an offeror's aircraft met or exceeded the objective level performance metrics, as well as where additional aircraft equipment offered would enhance the training mission or increase safety. Id. Of note, the RFP advised that the agency would rely on the offeror's "submitted performance documentation to validate that performance requirements [were] met." Id. (emphasis removed).

With respect to price, the RFP provided that the agency would calculate a total evaluated price for each offeror, which was the sum of the offeror's total proposed price (the proposed unit price multiplied by the quantity in the pricing schedule for each line item) and fuel adjustment calculations (as detailed in the solicitation). Id. at 109; see also id. at 101-02 (explaining the fuel calculations, which were for evaluation purposes only). The agency would assess whether proposed prices were complete, reasonable, and balanced. Id. at 108. In addition, the RFP provided for a price realism analysis as follows:

Unrealistically low prices or inconsistencies between the technical and cost proposals may be assessed as proposal risk and could be considered a weakness under the technical factor. Therefore, any inconsistency, whether real or apparent, between the technical proposal and price proposal should be explained in the narrative section of the price proposal.

Id. at 109.

Proposal Evaluation

The agency received initial proposals from five offerors, including ATAC and TacAir, on August 18. COS at 3. Relevant here are the offerors' different solutions to providing the adversary fighter services. ATAC, which holds itself out as the "industry leader in providing adversary air support services," Protest at 18, proposed utilizing a "footprint of up to nine" F-16AM aircraft that it intended to purchase from the Royal Jordanian Air Force (RJAF) and import to the United States. AR, exh. 4, ATAC Initial Proposal, Part 1, at 19-20. According to ATAC, the F-16 is "arguably the highest-performing 4th Generation Fighter ever built." Id. at 20.

TacAir, on the other hand, proposed to "economically support" the contract with a fleet of "at least 10" F-5E/F aircraft that it had already purchased and imported from the RJAF and that it intended to modify, as described below, to meet the PBWS

requirements. AR, exh. 5, TacAir Initial Proposal, at 13, 19. TacAir represented that the F-5 platform is the “best all-around commercial adversary solution.”⁷ Id. at 13.

NAVAIR evaluated initial proposals, conducted discussions, and received final proposal revisions (FPRs) on February 26, 2018.⁸ AR, exh. 11, Source Selection Evaluation Board (SSEB) Report, at 4-5. NAVAIR evaluated ATAC’s and TacAir’s final proposals as follows:

	Technical ⁹	Past Performance	Evaluated Price
ATAC	Outstanding/Low Risk	Substantial Confidence	\$257.3 million
TacAir	Outstanding/Low Risk	Neutral Confidence	\$118.9 million

AR, exh. 13, Proposal Analysis Report (PAR), at 2. In assigning the proposals outstanding technical ratings, NAVAIR evaluators identified numerous aircraft performance categories where the offerors’ proposed aircraft met or exceeded the objective level performance requirements, as well as other areas where the proposals reduced risk. Specifically, for ATAC’s proposed F-16s, the evaluators assigned strengths for meeting nine objective level performance metrics, and the evaluators identified six proposal features that reduced risk.¹⁰ AR, exh. 11, SSEB Report, at 7-22. TacAir’s modified F-5s met seven objective level performance metrics and included one feature that would enhance the training mission, and the proposal contained two aspects that reduced risk.¹¹ Id. at 57-71.

Price evaluators also documented the offerors’ notably different approaches to pricing the fixed-price contract. The evaluators observed that the “large variance” in proposed prices was “largely contained within . . . the price of acquiring, operating, and

⁷ The Navy currently flies F-5s as adversaries at NAS Fallon. See Protest at 23.

⁸ One of the five offerors withdrew from the competition prior to submitting an FPR. See COS at 4.

⁹ The RFP identified and defined the following technical ratings: outstanding, good, acceptable, marginal, and unacceptable. RFP at 109. The RFP identified and defined the following technical risk ratings: low, moderate, high, and unacceptable. Id. at 110.

¹⁰ ATAC’s F-16s met the objective level performance requirements in the following areas: speed, ceiling, turn, endurance, mission recording, identify friend or foe, communications, data links, and electronic warfare. AR, exh. 11, SSEB Report, at 20.

¹¹ TacAir’s F-5s met the objective level performance requirements in the following areas: ceiling, mission recording, identify friend or foe, communications, data links, infrared captive air training missiles, and electronic warfare. AR, exh. 11, SSEB Report, at 62. TacAir also was assessed a strength for its radar warning receiver capability. Id.

maintaining the proposed aircraft in baseline configuration.” Id. at 108. Specifically, ATAC, which proposed the second highest price of the offerors, included in its proposed price the costs of purchasing all nine of its F-16s and importing the aircraft to the U.S. Id. at 31. TacAir, which already owned its F-5s, included in its lowest-priced solution only the depreciation costs for the RFP-required minimum four aircraft, among other price-saving measures. Id. at 79. The evaluators also highlighted that F-5s “typically have lower acquisition and maintenance costs.” Id. at 108.

The SSEB briefed a source selection advisory council (SSAC) on its evaluation findings, AR, exh. 12, SSEB Brief to SSAC, at 1-60, and the SSAC prepared a report recommending that TacAir be awarded the contract. AR, exh. 13, PAR, at 1-14. The source selection authority (SSA) thereafter performed a comparative assessment of proposals. In his tradeoff, the SSA plainly acknowledged that the F-16 aircraft had a “performance advantage” over the F-5. AR, exh. 14, Source Selection Decision Memorandum (SSDM), at 3. The SSA also assessed ATAC’s technical risk as “slightly lower” than the other offerors because the firm had “only a few insignificant modifications to perform on their aircraft.” Id. In addition, ATAC’s past performance was deemed “more advantageous” than TacAir’s “non-relevant” past performance. Id. at 4. With respect to price, the SSA documented TacAir’s “pricing strategy” and noted that the firm’s strategy was “the primary cause of the significant positive price delta with the other offerors.” Id.

Ultimately, the SSA concurred with the SSAC that TacAir’s proposal represented the best value to the agency. In reaching this conclusion, the SSA noted that while ATAC had an advantage over TacAir under one of the nine technical elements (aircraft performance requirements), all other technical elements were considered “essentially equal for all offerors.” Id. at 5. He concluded that TacAir’s “very significant positive price delta . . . far outweigh[ed] the sum of the value of the relative performance benefits of the other offerors and the evaluated past performance advantage of two of the three other offerors.” Id. NAVAIR awarded TacAir the contract on May 18. COS at 4.

Following a debriefing, ATAC protested to our Office on June 20.

DISCUSSION

ATAC protests multiple aspects of the agency’s evaluation of TacAir’s proposed solution to fulfilling the adversary fighter requirements. First, the protester challenges the Navy’s determination that TacAir’s F-5s meet the PBWS aircraft performance capability requirements. Next, ATAC objects to NAVAIR’s risk assessment, asserting that the awardee’s proposed radar integrations, as well as the size of TacAir’s fleet of aircraft, are high risk. ATAC also complains that the agency’s price realism analysis was unreasonable. Lastly, due to the alleged evaluation improprieties, ATAC protests the

agency's source selection decision. We have considered each of ATAC's allegations and find that none provides a basis to sustain the protest.¹²

At the outset we note that an agency's evaluation of technical proposals is primarily the responsibility of the contracting agency, since the agency is responsible for defining its needs and identifying the best method of accommodating them. Wyle Labs., Inc., B-311123, Apr. 29, 2008, 2009 CPD ¶ 96 at 5-6. In reviewing protests of an agency's evaluation, our Office does not reevaluate proposals; rather, we review the record to determine if the evaluation was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. TransAtlantic Lines, LLC, B-411242, B-411242.2, June 23, 2015, 2015 CPD ¶ 204 at 9. A protester's disagreement with an agency's judgment in evaluating proposals is insufficient to establish that the agency acted unreasonably. VT Griffin Servs., Inc., B-299869.2, Nov. 10, 2008, 2008 CPD ¶ 219 at 4.

Compliance with Aircraft Performance Requirements

ATAC's primary protest arguments assert that TacAir's proposed F-5s cannot meet various PBWS performance requirements. Protest at 21-30; Comments & Supp. Protest at 5-23, 32-40. ATAC specifically argues that applicable safety restrictions and fuel limitations prevent the awardee's F-5s from being able to comply with several PBWS performance requirements simultaneously. See Comments & Supp. Protest at 5-23, 32-40.

For instance, initially the protester asserted that TacAir's F-5s were unable to meet the threshold level endurance requirement, stated above, due to fuel limitations that require aircraft to maintain a certain amount of fuel reserves at landing. Protest at 24-27. Upon review of the record, the protester acknowledged that when TacAir's F-5s were configured with a [DELETED] external fuel tank the F-5 would be able to fly the threshold level endurance profile after all. Comments & Supp. Protest at 5, 9; see AR, exh. 8, TacAir Discussions and Responses, at 24-25 (fuel planning chart using [DELETED] centerline external tank). In its supplemental protest, ATAC now argues that although the F-5 can fly the endurance profile with the external fuel tank, the weight of the F-5 with the external tank limits the aircraft's ability to take off in warmer temperatures; ATAC calculates the takeoff limit at 68 degrees Fahrenheit.¹³ Comments

¹² ATAC raises additional protest allegations not expressly discussed herein. Nevertheless, we have assessed all of the protester's arguments and find them without merit. This decision addresses what our Office considered to be ATAC's strongest arguments.

¹³ In reaching this conclusion, ATAC relies on its interpretation of aeronautical charts and tables in U.S. Air Force Technical Order 1F-5E-1, which is the governing flight manual for the F-5E/F aircraft proposed by TacAir. Memorandum of Law (MOL) at 19 n.10; see also AR, exh. 20, Air Force TO 1F-5E-1, Jan. 1, 2009. The manual contains the "necessary information for safe and efficient operation" of the F-5E/F

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& Supp. Protest at 11-12, 15. Separately, the protester also maintains that the PBWS provision that “flight operations may be scheduled and conducted at any time, 24 hours a day, and 7 days a week,” RFP at 25 (PBWS ¶ 1.3.6.2), imposed a mandatory 24/7 aircraft availability requirement. Comments & Supp. Protest at 12. Thus, according to ATAC, because the awardee’s F-5s, equipped with external fuel tanks, would be too heavy to take off for “substantial portions of the year” at NAS Fallon, the awardee cannot comply with the 24/7 aircraft availability requirement, which should have rendered the proposal ineligible for award.¹⁴ Id. at 15, 19, 21-22.

As an initial point, the parties disagree about whether TacAir’s F-5s are restricted from flying when the temperature is above approximately 70 degrees. In this respect, the agency and awardee maintain that the protester is incorrectly applying the charts and tables in the F-5 flight manual. See TacAir Supp. Comments at 8; Agency Reply to Comments at 2. Based on TacAir’s interpretation, “the F-5 with a centerline [fuel] tank is fully capable of taking off normally with both engines operating at temperatures up to at least 115 degrees Fahrenheit.” See TacAir Supp. Comments at 9. Indeed, the protester’s and awardee’s outside consultants (both with extensive fighter jet flight experience) reach different conclusions about the complex aeronautical tables and charts in the F-5 flight manual.¹⁵ Similarly, the protester and the Navy reach different conclusions about these materials.

The protester’s assertion that our Office should reach an independent conclusion regarding the mathematical and engineering takeoff limitations of fighter jet aircraft reflects a misunderstanding of our bid protest review. In determining whether a particular item meets a solicitation’s technical requirements, our Office will not disturb an agency’s technical determination unless it is shown to be unreasonable, a conclusion we do not reach here. See General Dynamics Ordnance & Tactical Sys., B-408001, May 13, 2013, 2013 CPD ¶ 121 at 3. Indeed, we afford particular deference to the

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aircraft. AR, exh. 20, Air Force TO 1F-5E-1, Jan. 1, 2009, at ii. According to ATAC, the flight manual “provides a mandatory maximum weight for takeoff, when given an altitude, a temperature, and a runway length, in order to ensure that the aircraft will still be able to meet a 300-foot-per-minute climb rate in the event of an engine failure on takeoff.” Comments & Supp. Protest at 15.

¹⁴ ATAC asserts that its proposed F-16 is an “all-weather, all-temperature fighter capable of taking off year-round in Fallon, NV, regardless of temperature.” Comments & Supp. Protest at 21 n.25.

¹⁵ The disagreement apparently stems from how or whether to apply safety restrictions applicable to single-engine takeoffs even though the F-5 is a two-engine aircraft, and whether the F-5 can safely takeoff after jettisoning the fuel tank in the event of an engine failure. See TacAir Supp. Comments at 10; id., exh. 2, Dec. of RADM Godwin (ret.), at 2-5; ATAC Reply to Navy Response to Supp. Comments at 9, 16; id., exh. A, Dec. of Brig Gen Coe (ret.), Supp. Opinion, at 1.

technical expertise of agency personnel regarding judgments that involve matters of human life and safety. Ultra Elecs. Ocean Sys., Inc., B-400219, Sept. 8, 2008, 2008 CPD ¶ 183 at 9. In this respect, a contracting agency has the primary responsibility for determining its legitimate needs and for determining whether an offered item will satisfy those needs, since it is the agency that is most familiar with the conditions under which the supplies or services will be used and because the agency must bear the burden of difficulties incurred by reason of a defective evaluation. Beckman Coulter, Inc., B-405452, Nov. 4, 2011, 2011 CPD ¶ 231 at 5.

In any event, we need not resolve the dispute between these parties about the meaning of the F-5 flight manual, because we disagree with the premises underlying ATAC's arguments. First, we disagree with ATAC's position that the PBWS provision for flight operations "at any time" constituted a material performance requirement mandating 24/7 aircraft availability.¹⁶ See RFP at 25 (PBWS ¶ 1.3.6.2). In this regard, ATAC's view that an offeror was required to demonstrate the ability to operate at NAS Fallon 24/7, or be deemed ineligible for award, finds no support in the solicitation, including, significantly, the RFP evaluation criteria. While the second technical element contemplated an assessment of whether an offeror's aircraft met specifically the PBWS paragraph 1.3.1, performance requirements, none of the technical elements encompassed a review of compliance with flight operation scheduling, such as whether an offeror "demonstrate[d] its ability to . . . support Navy operations at any time of day," as ATAC asserts.¹⁷ See Comments & Supp. Protest at 12; RFP at 96-98, 105-07. Thus, even if ATAC's temperature takeoff limitation argument finds support in the flight manual charts--a conclusion we need not reach--the protester has not demonstrated that TacAir's alleged inability to takeoff in warmer weather would have rendered the proposal ineligible for award, based on the evaluation criteria here.

Moreover, even accepting that the scheduling note was a mandatory PBWS provision that could be used to render a proposal ineligible for award, as the parties seem to stipulate, we disagree with the premise that TacAir was required to meet all performance metrics using a single aircraft configuration. More specifically, because

¹⁶ Indeed, as the agency notes, the flexible flight operation schedule could be viewed as a mechanism to mitigate any temperature takeoff limitations in the event an aircraft is unavailable for some reason at other times of day. See MOL at 22. Similarly, the awardee highlights: "Aviation operations may be limited based on all types of weather. For instance, an aircraft, such as the one proposed by Protester, may be restricted from flying or limited in its ability to meet certain performance requirements during a thunderstorm." TacAir Comments at 26; TacAir Supp. Comments at 9 n.4.

¹⁷ To be clear, not even the aircraft availability technical element focused on whether an offeror's aircraft would be available at any time. See RFP at 107. Rather, it focused on how an offeror intended to execute the four types of missions identified in the PBWS, as well as an offeror's method for ensuring pilot and aircrew availability and mission effectiveness metrics. Id. at 97-98.

TacAir relied on equipping its aircraft with an external fuel tank to demonstrate its ability to meet the endurance requirement, the protester contends that an F-5 in this configuration cannot meet other requirements, such as the aforementioned availability 'requirement' and the electronic warfare requirements. See Comments & Supp. Protest at 20, 33. In this respect, the protester contends that the aircraft had to be capable of meeting every PBWS requirement simultaneously with the aircraft in the same configuration. The agency and awardee, on the other hand, reject ATAC's interpretation and contend that the solicitation contemplated that offerors were allowed to propose multiple aircraft configurations to comply with PBWS requirements.

Where a protester and agency disagree over the meaning of solicitation language, GAO will resolve the matter by reading the solicitation as a whole and in a manner that reasonably gives effect to all its provisions. HP Enter. Servs., LLC, B-409169.3, B-409169.4, June 16, 2014, 2014 CPD ¶ 179 at 7. We will not read a provision restrictively where the terms of the solicitation do not indicate that such a restrictive interpretation was intended by the agency. Vital Link, Inc., B-405123, Aug. 26, 2011, 2011 CPD ¶ 233 at 4. Based on our review of the solicitation, we disagree with ATAC's interpretation that the RFP required that an offeror meet every PBWS performance requirement simultaneously under a single aircraft configuration.

Here, the solicitation required only that the contractor "provide aircraft meeting the following performance criteria" RFP at 12 (PBWS ¶ 1.3.1). The RFP separately advised that "[e]ach aircraft proposed, after any modifications[,] shall meet or exceed the performance requirements specified in the PBWS." Id. at 96. Based on these two sentences, the protester leaps to the restrictive conclusion that "offerors cannot propose one configuration to meet one requirement in the PBWS and then reconfigure that aircraft to meet another requirement; every aircraft must be fully compliant with every requirement in the PBWS." Comments & Supp. Protest at 9 n.10. Such an interpretation, however, is directly at odds with the performance requirements, which individually contemplate multiple configurations.

In this respect, while certain PBWS requirements applied to all aircraft at all times (e.g., be equipped with a radar warning receiver, be configured to carry a tactical combat training system pod), other PBWS requirements, particularly those involving aircraft performance capabilities, expressly sought performance capabilities under multiple aircraft configurations. See RFP at 12-16. For instance, the speed and altitude requirement contained threshold metrics for aircraft configured without any external pods, as well as configured with three different pods.¹⁸ Id. at 12 (PBWS ¶ 1.3.1,

¹⁸ The threshold speed and altitude performance requirement was as follows:

1.1 Mach (M) at optimum altitude and level w/o pods
0.9 M at optimum altitude and level with one [captive air training missile], one [tactical combat training system] pod and one internal or external Electronic Warfare (EW) pod.
0.9 M at minimum 200ft MSL and level without pods.

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Table 1.1). Separately, the threshold level electronic warfare metric required the aircraft be configured to carry an electronic warfare pod.¹⁹ Id. at 15 (PBWS ¶ 1.3.1, Table 1.1). Thus, if the two categories of requirements had to be met simultaneously under the same aircraft configuration, as the protester suggests, such an interpretation would render superfluous some of the threshold speed and altitude requirements (i.e., the ones that sought a capability without any pods).

Because the protester's interpretation renders solicitation language superfluous, it is not a reasonable interpretation. See JSR Servs., LLC, B-402500, Aug. 24, 2009, 2009 CPD ¶ 168 at 3-4 (rejecting protester's interpretation of solicitation as unreasonable where it rendered a requirement superfluous). Based on our assessment, we agree with the Navy that the solicitation contemplated multiple aircraft configurations to meet the "separate and distinct" requirements. See Supp. MOL at 17; see also International Data Products, Inc.; Commax Techs., Inc., B-275480.2 et al., Apr. 3, 1997, 97-1 CPD ¶ 179 at 4-5 (rejecting argument that solicitation required computers to simultaneously meet all solicitation specifications).

Additionally, contrary to ATAC's assertion, the awardee did not propose a single aircraft configuration, with an external fuel tank, for all flights. Rather, the record shows that TacAir relied on the use of the external fuel tank solely to demonstrate the ability of its F-5s to fly the threshold endurance profile.²⁰ See AR, exh. 8, TacAir Discussions and Responses, at 23-34 (TacAir substantiating data expressly for "Endurance Fuel Planning"); exh. 5, TacAir Initial Proposal, at 33 (highlighting use of external fuel to exceed threshold endurance requirement); see also Comments & Supp. Protest at 9 (acknowledging that TacAir proposed a fuel tank to meet the endurance requirement). In fact, the awardee represents that "[p]ractically, the only reason TacAir would carry a [DELETED] tank is if it were to fly the endurance profile." TacAir Supp. Comments at 15. Thus, the record is clear on this point: the awardee never proposed or otherwise

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RFP at 12 (PBWS ¶ 1.3.1, Table 1.1).

¹⁹ The electronic warfare requirement was as follows: "The aircraft shall be configured to carry and operate the following EW pods externally and/or internally." RFP at 15 (PBWS ¶ 1.3.1, Table 1.1).

²⁰ The endurance requirement was predicated on flying the profile only in standard day atmospheric conditions, which is about 59 degrees Fahrenheit at sea level. See MOL at 22. Thus, the PBWS unquestionably did not require that an aircraft always be capable of flying the endurance profile (i.e., 24/7), and nothing prohibited an offeror from relying on a different aircraft configuration to meet the endurance requirements.

represented that its aircraft would rely on external fuel tanks on all missions, and the protester's contention otherwise is not supported by the record.²¹

In sum, because the solicitation did not require that an offeror demonstrate simultaneous compliance with all PBWS requirements under a single aircraft configuration, and given that TacAir proposed various configurations depending on the mission, the protester's arguments that TacAir's proposal should have been rejected for failure to meet PBWS requirements are without merit.

Technical Risk

Next, ATAC protests the agency's technical risk assessment. The protester raises two primary objections to TacAir's low risk rating. First, ATAC asserts that the awardee's proposed radar integration efforts should have been assessed as high risk. Second, ATAC argues that TacAir proposed an insufficient number of aircraft to perform the flight services.

Radar Integration

As explained above, the Navy anticipated that aircraft modifications would be necessary to comply with the litany of performance and capability requirements. Accordingly, the procurement included a capability standup period (up to 12 months) for the awardee to complete any engineering and modification efforts for its base aircraft to become fully capable of providing the flight services. RFP at 8, 46. In addition, as noted above, the RFP required that the base aircraft be equipped with MSA radars. Id. at 13 (PBWS ¶ 1.3.1, Table 1.1). The solicitation also contemplated a second type of radar, an AESA radar, the costs of which were to be covered by optional contact line items. Id. at 9. Upon the Navy's exercise of the AESA options, the RFP required that the contractor complete any engineering upgrades and have one AESA-equipped aircraft in its fleet within 18 months, and a second AESA aircraft in 30 months.²² Id. at 46; see also id. at 16 (PBWS ¶ 1.3.1, Table 1.2).

In addition, as part of the technical evaluation, the RFP contemplated an assessment of the offeror's ability to meet the initial capability requirements, as well as a separate assessment of the offeror's ability to meet the AESA radar requirements. Id. at 105 (Technical Element 1--Capability Standup) and 106 (Technical Element 7--Capability Standup-AESA Radar). For these technical elements, the RFP instructed offerors to

²¹ For the record, ATAC also proposed to utilize multiple aircraft configurations, including up to three external fuel tanks "based on the mission needs of the customer." Supp. MOL at 15-16, citing AR, exh. 4, ATAC Initial Proposal, Part 1, at 36.

²² The PBWS included threshold and objective level performance metrics for each of the radar systems. RFP at 13, 16 (PBWS ¶ 1.3.1, Table 1.1 and Table 1.2). Compliance with the performance requirements is not at issue here.

submit plans that detailed the modifications that would be necessary to bring the aircraft into compliance with the PBWS requirements, to include the AESA radar requirements. Id. at 96, 98. The plans had to describe “all significant modifications required, major milestones, organization performing the modification(s), source of data supporting the modification(s) and airworthiness certification authority.” Id.

TacAir proposed three different radar solutions and described its plans to integrate the radars into its F-5s. For its baseline MSA-equipped aircraft, TacAir proposed that four F-5s would be equipped with the “[DELETED]” MSA radar, which TacAir represented met the threshold MSA performance requirements. AR, exh. 5, TacAir Initial Proposal, at 21, 23, 26. In addition, TacAir proposed that a fifth aircraft (and any additional baseline aircraft) be equipped with a “[DELETED]” MSA radar, which TacAir represented was a “more advanced” MSA radar that would exceed the objective level MSA performance criteria. Id. at 21-22. If the agency exercised the AESA option, TacAir proposed to integrate into additional F-5s the [DELETED], which it described as the “best small-jet, AESA radar available in the world today.”²³ Id. at 14, 21, 25, and 96.

The record reflects that the evaluators did not identify any risks or other concerns with TacAir’s proposed radar solutions or plans to integrate the radars into its F-5s. See AR, exh. 11, SSEB Report, at 57-58, 66, 68, and 70. ATAC objects to this assessment, arguing that TacAir’s proposed radar integration efforts represented a “high risk due to its complexity and [use of] undeveloped, untested technology.”²⁴ Comments & Supp. Protest at 23.

Following our review of the record, we see nothing unreasonable with the evaluator’s decision not to rate TacAir’s radar solutions as high risk. As the agency highlights, TacAir’s proposal contained a detailed response to the capability standup-base aircraft

²³ The [DELETED] was developed to equip light tactical aircraft such as the F-16. AR, exh. 5, TacAir Initial Proposal, at 96. Indeed, one of the two AESA radars ATAC proposed for its F-16s was the [DELETED]. AR, exh. 4, ATAC Initial Proposal, Part 1, at 105.

²⁴ For the record, the protester does not tie its risk assessment protest grounds to any specific technical evaluation element; rather, the protester appears to suggest that TacAir’s overall low risk rating was unreasonable. See Comments & Supp. Protest at 25. As an initial point, we highlight that the evaluators analyzed risk under each of the nine technical elements. Following discussions, the evaluators did not identify any risks or concerns in TacAir’s proposal under any of the technical elements. See AR, exh. 11, SSEB Report, at 57-67. Thus, even if we were to accept that NAVAIR’s risk analysis was flawed, based solely on the reasons advanced by ATAC, that would still only impact, at most, two technical elements. In our view, the protester has not established--or even meaningfully argued--that TacAir’s overall risk rating would have been different had the evaluators identified the alleged risks under two of the nine technical elements at issue.

technical element that described the firm's plans to meet the RFP's initial capability requirements. See AR, exh. 5, TacAir Initial Proposal, at 16-31. The agency points to TacAir's comprehensive modification plan that described the engineering and modification efforts it intended to undertake to meet the PBWS requirements, including with respect to MSA radar. See id. at 19-27. For instance, the awardee explained how it would rely on the F-5 [DELETED], to combine multiple modifications into a single integration effort. Id. at 21. With respect to the [DELETED] MSA radar--a radar system for the F-5 that is already in full-rate production--the Navy emphasizes that TacAir's installation effort would "closely mirror[] the F-5E [DELETED] upgrades previously developed for Singapore, Thailand, and Brazil, overlaid on the research and development efforts by [DELETED] with the F-20 Tigershark program and the F-5E Tiger IV upgrade." Id. at 21, 23. TacAir also represented that the "well established" process for installing [DELETED] radars in F-5s had already been performed in 127 modified F-5s worldwide. Id. at 23, 26-27.

As for TacAir's other MSA radar, the [DELETED] radar, the agency notes that the radar would be a "form-fit replacement and upgrade" for another radar system that had already been engineered and installed in the F-5 by [DELETED]. See AR, exh. 5, TacAir Initial Proposal, at 23. Also, because the [DELETED] radar had not previously been integrated into a fighter aircraft, the agency acknowledged that TacAir proposed to mitigate any integration risk by purchasing an additional [DELETED] radar in the event the [DELETED] delivery was delayed. See id. at 26.

With respect to TacAir's solution for AESA capability, the [DELETED] system, the agency points to TacAir's detailed explanation of how it intended to exceed the RFP's capability standup requirements and integrate the radar system into its F-5s within 10 months. See id. at 96-101; exh. 8, TacAir Discussions and Responses, at 62. The agency highlights that TacAir proposed to use the same radar bulkhead modifications that it already planned for its baseline aircraft. See AR, exh. 5, TacAir Initial Proposal, at 96. Moreover, the Navy specifically notes that the [DELETED] radar would "fit within currently defined power and cooling requirements and support the existing pilot-vehicle interface." See id. at 96-97. The agency also points out that [DELETED] is the manufacturer of both the [DELETED] and the F-5, and the awardee proposed that [DELETED] would be TacAir's "partner for aircraft re-assembly, modification, and depot level maintenance." Id. at 96. In fact, according to TacAir, [DELETED] had previously demonstrated system performance with a comparable radar in the F-5E. Id. at 97.

The evaluators considered TacAir's modification plans and did not identify any concerns with respect to either TacAir's proposed radars or plans to integrate the radar systems into its aircraft. See AR, exh. 11, SSEB Report, at 57-58, 66, 68, and 70. With respect to the MSA radars, the evaluators documented TacAir's proposed solutions, as well as the modifications that would be necessary to integrate the radars. Id. at 68. For instance, the evaluators noted that the modifications would include "moving the radar bulkhead aft and matching the outer mold line of the F-20 Tigershark," which the evaluators pointed out had already been engineered by [DELETED]. Id. With respect to TacAir's proposed AESA radar, the evaluators highlighted that the manufacturer had

“validated that the physical installation, electrical and cooling requirements can be met in the F-5E without modification.”²⁵ Id. at 70.

Moreover, the record reflects that the SSA was well aware of the “significant modification work” proposed for TacAir’s F-5s, modifications that encompassed more than just the radar integration efforts in dispute. AR, exh. 14, SSDM, at 3. Indeed, the SSA expressly acknowledged that TacAir’s modifications were “determined to be more complex,” particularly as compared to ATAC’s “insignificant modifications.” Id. Notwithstanding these observations, the SSA highlighted that TacAir mitigated schedule risk by previously obtaining the aircraft and already performing the modification process. Id.

Ultimately, based on our review of the detailed record, we conclude that ATAC’s arguments fail to rise above its disagreement with the agency’s risk assessment; the record does not support that TacAir’s low risk rating was unreasonable. See AAR Def. Sys. & Logistics, B-413284, Sept. 22, 2016, 2016 CPD ¶ 274 at 3.

Number of Aircraft

ATAC next argues that TacAir’s proposal should have been deemed high risk, or unacceptable, because the awardee allegedly proposed an insufficient number of aircraft to perform the adversarial flight services. Comment/Supp. Protest at 41-48. ATAC advances two primary arguments with respect to the number of aircraft proposed. First, the protester contends that TacAir only committed to providing five aircraft, which ATAC argues would be an insufficient number of aircraft to fly the RFP’s total anticipated flight hours. Comments & Supp. Protest at 42-44. Second, ATAC asserts that it is “entirely unrealistic” that five aircraft would be “sufficient to meet repeated days of four turn four turn four schedule requirements” due to aircraft maintenance concerns.²⁶ Id. at 47.

²⁵ The evaluators also wrote that the “radar has previously been installed in the F-5E aircraft” AR, exh. 11, SSEB Report, at 70. TacAir’s proposal, however, stated that “this will be the initial [DELETED] installation in an F-5E” AR, exh. 5, TacAir Initial Proposal, at 99. While we acknowledge this inconsistency, we decline to accept that the error was prejudicial to the point it would have turned the award decision to ATAC’s favor. In this respect, the record supports that the [DELETED] was designed as an upgrade to the [DELETED] radar, which was a comparable radar that [DELETED] had integrated into a demonstration F-5 aircraft. MOL at 24. Thus, the basic premise is supportable. As such, in our view, the mistake, which the protester does not highlight, does not provide a basis to sustain the protest.

²⁶ Again, the protester does not tie its protest arguments to any particular RFP evaluation criteria. In this respect, it remains entirely unclear which of the nine technical elements’ risk analyses ATAC believes was in error. Nevertheless, we address the protest arguments in the same general fashion they were alleged, untethered to any particular evaluation element.

With respect to ATAC's first concern, the Navy responds that ATAC's arguments are based on a misunderstanding--or mischaracterization--of TacAir's proposal, as well as the solicitation requirements. See Supp. MOL at 22-28. As an initial point, the agency highlights that the only hard requirement in the solicitation regarding aircraft quantity was for the contractor to provide a minimum of four mission capable aircraft that met the PBWS requirements.²⁷ Id. at 22-23; RFP at 17 (PBWS ¶ 1.3.2). Still, the agency notes that TacAir nevertheless acknowledged that as many as 11,500 flight hours could be required over the life of the contract.²⁸ AR, exh. 8, TacAir Discussions and Responses, at 67. Given annual utilization limitations for aircraft, TacAir calculated that "the minimum number of aircraft required" would be around 10 if NAVAIR chose to "execute the full number of minutes in the RFP."²⁹ Id. Accordingly, TacAir, a company with an inventory of 21 F-5E/Fs, proposed a technical approach that contemplated utilizing up to 10 aircraft to perform the flight operations, "should the government choose to execute at the highest contractual level of effort." AR, exh. 8, TacAir Discussions and Responses, at 67; see also AR, exh. 5, TacAir Initial Proposal, at 13 (proposing to "support this contract with at least 10 of our F-5E/F aircraft"). The agency also highlights that the awardee expressly identified the 10 specific F-5s by type, model, series, and serial number, in accordance with the RFP instructions. Id. at 16; Supp. MOL at 23-24; see RFP at 96.

However, the agency recognized that TacAir did not propose that all 10 aircraft be on the flight line at the commencement of flight operations; rather, TacAir intended to make available its aircraft throughout the period of performance. Specifically, TacAir proposed to field five aircraft within 12 months of contract award, what TacAir referred to as an initial operational capability. AR, exh. 5, TacAir Initial Proposal, at 30. If the agency exercised the AESA option, TacAir proposed two additional aircraft with AESA

²⁷ Thus, ATAC's argument that the Navy improperly relaxed the requirements by allowing TacAir to "get away with only four aircraft" is directly contradicted by the plain language in the solicitation that expressly stipulated only four aircraft. See Comments & Supp. Protest at 44. Regardless, as discussed herein, TacAir's technical approach contemplated using 10 aircraft over the life of the contract.

²⁸ The RFP contemplated the award of an IDIQ contract; as such, the quantities identified in the RFP's pricing schedule (i.e., 690,000 flight minutes or 11,500 flight hours) were estimates only and were not actually being purchased under the IDIQ contract. RFP at 4, 60.

²⁹ Both ATAC and TacAir reached the same calculation based on the solicitation's estimated 11,500 flight hours over 4 years (not taking into account the 12-month capability standup period) and an aircraft's utilization rate of 300 hours per year. See Comments & Supp. Protest at 41-42; AR, exh. 8, TacAir Discussions and Responses, at 67.

radars within 12 months.³⁰ Id. at 96. TacAir proposed eventually to make “at least 10 aircraft available” for what it defined as full operational capability within 12 months of notification by NAVAIR.³¹ Id. at 31. If the AESA option was exercised and TacAir had already added those two F-5s to its initial five aircraft, then TacAir proposed to equip the three additional aircraft--to bring its fleet up to 10--with AESA radars within 6 months “after notification of increased funding levels.” Id. at 101.

The agency also found persuasive TacAir’s plans to mitigate any concerns of structural fatigue of its fleet due to aircraft overuse. In this respect, the Navy highlights that TacAir documented the fatigue life remaining (i.e., flight hours) on its F-5s, which confirmed for the Navy that the awardee would be able to support “maximum . . . utilization (11,500 hours or 690,000 minutes) for the duration of the contract without approaching the structural life limit.” AR, exh. 8, TacAir Discussions and Responses, at 65; see Supp. MOL at 25. Indeed, the SSEB specifically identified the “large amount of available fatigue life” on TacAir’s 10 proposed aircraft as an aspect that reduced risk. AR, exh. 11, SSEB Report, at 64. The agency also notes that TacAir’s “deep bench” of F-5s located at its facility in Reno, Nevada “just 60 miles from NAS Fallon” would allow the firm to “rotate and/or plus-up aircraft as needed to support operational tempo and manage inspections and major maintenance without impact to the flight schedule.” Supp. MOL at 25, citing AR, exh. 8, TacAir Discussions and Responses, at 65. According to the agency, TacAir’s director of maintenance would manage the flight hours on “life-limited components,” and when an aircraft approached its life limit while flying on the contract, TacAir would “assign a replacement aircraft from [TacAir’s] flight line in Reno, NV to replace it without impacting contract flight operations.” Supp. MOL at 25; AR, exh. 5, TacAir Initial Proposal, at 47.

Thus, the record undercuts ATAC’s complaint that TacAir proposed too few aircraft to perform the flight services. First, the agency accurately highlights that the solicitation only required that the contractor provide four aircraft at NAS Fallon, and the Navy properly determined that TacAir’s proposed footprint of five (or seven, if AESA is optioned) aircraft satisfied this key solicitation requirement. In addition, the agency recognized that TacAir did not propose to rely on the same five aircraft for flight services

³⁰ As explained above, the RFP required one AESA-equipped aircraft within 18 months of the exercise of the AESA option and a second within 30 months. RFP at 46.

³¹ ATAC also complains that TacAir “evidences no plans for actually upgrading” all 10 aircraft. Comments & Supp. Protest at 43. Again, the solicitation required that the contractor provide only four aircraft that met the PBWS requirements at NAS Fallon. RFP at 17 (PBWS ¶ 1.3.2). As explained, TacAir’s proposal unquestionably demonstrated how it intended to meet this requirement, and the awardee also provided comprehensive information regarding its aircraft modification plans. Whether TacAir ultimately faces difficulty in providing four mission capable aircraft at NAS Fallon during performance is a matter of contract administration that is not for our Office’s consideration. See 4 C.F.R. § 21.5(a).

during the full period of performance; rather the awardee intended to rotate aircraft as required based on the annual flight utilization limits of its aircraft. The agency also found compelling TacAir's plans to mitigate any aircraft fatigue concerns. On this record, we find no merit to ATAC's argument that TacAir's proposal should have been considered a high risk.

We next turn to ATAC's related assertion that TacAir's initial capability of five aircraft "all but guarantees" that TacAir will be unable to meet the Navy's daily training requirements. See Comments & Supp. Protest at 44. The protester explains that, in its view, fighter aircraft "break often Aircraft hit birds, aircraft get flat tires, aircraft radars and other avionics . . . need to be fixed and replaced on a daily basis."³² Id. at 47. ATAC specifically points to the contemplated "four turn four turn four" flight schedule and argues that Navy and Marine Corps squadrons "routinely have 12 jets" to perform that schedule. Comments & Supp. Protest at 46.

As noted above, TacAir proposed to support flight operations with five aircraft at NAS Fallon (or seven if the AESA option were exercised), including when training events necessitated that four aircraft be airborne, three times a day. AR, exh. 5, TacAir Initial Proposal, at 31. In those instances, TacAir explained that the fifth aircraft would be a "fully equipped spare aircraft [] as a hedge for 100% sortie completion." Id. The evaluators took no exception with this approach. AR, exh. 11, SSEB Report, at 68-69.

In response to ATAC's allegations, the Navy presents several explanations as to why TacAir's footprint of five aircraft (or seven under the AESA option) at Fallon was not considered to be risky. For instance, the agency explains that relying on five aircraft to fly four at a time translates to an 80 percent aircraft availability rate.³³ Supp. MOL at 27. The agency further notes that the Navy historically has been able to maintain an F-5 average availability rate that is "close to and usually exceeds" 80 percent. Id., citing AR, exh. 22, VFC-13 Readiness, at 15. In addition, the agency highlights various ways TacAir would be able to mitigate any availability concerns. First, given that the awardee committed 10 aircraft for the contract, it could increase its footprint at Fallon to provide additional spare aircraft on site, if necessary. Supp. MOL at 27-28. The agency also points to TacAir's comprehensive maintenance plan, which contemplated providing "all major maintenance" at its nearby facility in Reno; the awardee even proposed to launch aircraft directly from Reno "if beneficial to the Government." See AR, exh. 5, TacAir Initial Proposal, at 14, 51-58. Additionally, the Navy highlights TacAir's experience

³² We highlight that to the extent the protester is arguing that it was patently impossible to provide the daily flight services contemplated in the PBWS with the RFP minimum four aircraft, this argument amounts to an untimely challenge to the propriety of the solicitation. See 4 C.F.R. § 21.2(a)(1); All Phase Servs., Inc., B-406856, Aug. 17, 2012, 2012 CPD ¶ 274 at 5 n.3.

³³ The availability rate is determined by dividing the number of aircraft available by the number of aircraft actually utilized.

flying and maintaining F-5s. Supp. MOL at 28. Indeed, the awardee represented that its individual aircraft mission capable rates for F-5s exceeded 95 percent. AR, exh. 5, TacAir Initial Proposal, at 48. While the protester disputes that TacAir will be able to maintain an 80 percent availability rate with five aircraft, and expresses unease regarding what it mischaracterizes as TacAir's "brand new maintenance effort," the protester's disagreement is unpersuasive. See Comments & Supp. Protest at 47; Supp. Comments at 17.

Moreover, as the awardee highlights, TacAir's approach is not significantly different than the protester's. See TacAir Supp. Comments at 38. ATAC proposed to deploy seven of its "up to nine aircraft" to NAS Fallon, the same number as TacAir's footprint if the agency exercised the AESA option. AR, exh. 4, ATAC Initial Proposal, Part 1, at 19, 82. Notably, ATAC proposed to "prep six aircraft to fly four" each day, one aircraft more than TacAir's five F-5s (and half as many as the 12 jets that the protester argues are utilized by Navy squadrons for similar requirements). Id. Ultimately, while ATAC is unsettled by the prospect of only one spare aircraft on the flight deck--instead of the two spares it proposed to utilize--the Navy did not share ATAC's concern. We will not sustain a protest where the agency's evaluation is reasonable, and the protester's challenges amount to disagreement with the agency's considered technical judgments regarding the specific elements of an offeror's proposal. BNL, Inc., B-409450, B-409450.3, May 1, 2014, 2014 CPD ¶ 138 at 5. Put simply, the protester's opinion that TacAir's approach was "inherently risky" is insufficient to demonstrate that NAVAIR's evaluation was contrary to the solicitation or otherwise objectionable.

Price Realism

The protester also challenges the agency's price realism analysis. ATAC argues that the Navy failed to perform an adequate realism evaluation, and that there was a "fatal disconnect" between TacAir's technical and price proposals. Protest at 31-33; Comments & Supp. Protest at 27-32. To support its arguments, ATAC performed its own detailed assessment of TacAir's proposed prices and concluded that the awardee faced "extremely significant" losses as a result of pricing the contract too low. Comments & Supp. Protest at 30-31; id., exh. 7, Dec. of ATAC Cost Consultant, at 1-11.

Where, as here, a solicitation contemplates the award of a fixed-price contract, there is generally no requirement that an agency analyze the realism of offerors' proposed prices; this is because a fixed-price (as opposed to a cost-reimbursement) contract places the risk and responsibility for contract costs and ensuing profit or loss on the contractor. Star Contract Servs., LLC, B-409424, Apr. 23, 2014, 2014 CPD ¶ 133 at 6. An agency may, however, at its discretion, provide for the use of a price realism analysis for the limited purpose of assessing an offeror's understanding of the solicitation requirements or the risk inherent in an offeror's proposal. Id.; see FAR § 15.404-1(d)(3). The nature and extent of a price realism analysis are generally within the sound exercise of the agency's discretion, and our review of such an evaluation is limited to determining whether it was reasonable and consistent with the terms of the solicitation. Smiths Detection, Inc.; Am. Sci. & Eng'g, Inc., B-402168.4 et al., Feb. 9,

2011, 2011 CPD ¶ 39 at 17. In this respect, unless stated otherwise in an RFP, there is no requirement for an agency to conduct a line-by-line analysis to include every aspect of the offerors' proposed pricing. Science Applications Int'l Corp., B-406921, B-409621.2, Oct. 1, 2012, 2012 CPD ¶ 267 at 9.

We find the agency's price realism evaluation compliant with the solicitation and otherwise unobjectionable. First, we highlight that the RFP did not require an in-depth price realism analysis--comparable to the one performed by the protester's cost consultant. Rather, the RFP provided only that "[u]nrealistically low prices or inconsistencies between the technical and cost proposals may be assessed as proposal risk and could be considered a weakness under the technical factor." RFP at 109. The solicitation, therefore, instructed offerors to explain "any inconsistency, whether real or apparent, between the technical proposal and price proposal" Id.

The record shows that during its initial review of proposals, the evaluators identified an inconsistency between TacAir's price and technical proposals. The price evaluators specifically noted that the firm "priced 7 Aircraft in [its] price proposal; however, 10 aircraft are referenced in the technical proposal." AR, exh. 6, Initial SSEB Report, at 151. Consequently, the agency raised the issue with TacAir during discussions.³⁴ See AR, exh. 8, TacAir Discussions and Responses, at 7.

TacAir responded by explaining, and modifying, its pricing approach. See id. at 67-68. Specifically, the awardee explained that it identified a 10-aircraft complement in its technical proposal to highlight that "10 aircraft operating at full utilization would be required to fly all of the hours" identified in the RFP's schedule of services. Id. at 67. Then, the firm explained that it intended to support the "four turn four turn four" flight schedule with five F-5s (as discussed in detail above). Id. With respect to its cost volume, TacAir described that it "originally incorporated fixed depreciation expense[s] for five MSA-equipped jets . . . and two AESA-equipped jets," which is how it initially derived at seven aircraft in its price proposal. Id.

The firm, however, offered a "change in pricing" that would "reduce pricing . . . without reducing the actual number of appropriately equipped jets from those that were originally proposed." Id. Specifically, TacAir amended its price proposal to "remove all fixed depreciation expenses--except for the minimum, four appropriately equipped aircraft that must contractually be assigned to this contract to support a [four turn four turn four] requirement." Id. at 68. As TacAir described, it proposed to "still allocate the same number of aircraft and radar assets as originally proposed . . . but are only claiming depreciation expenses for four appropriately equipped aircraft, consistent with the minimum [] requirement of this contract." Id. The firm submitted modified pricing to reflect these changes. See id. at 69-128.

³⁴ ATAC received price-related discussions as well, during which NAVAIR advised the firm that its proposed price "appears high for the effort." AR, exh. 7, ATAC Discussions and Responses, at 4.

In other words, rather than charging the government the full cost of its full fleet of aircraft--or all aircraft leasing costs or expensive shipping/import costs--TacAir's pricing strategy included primarily depreciation expenses for the RFP-required minimum four aircraft, aircraft that the firm already owned. See id. at 94; TacAir Supp. Comments at 38. The price evaluators acknowledged TacAir's "competitive strategy," noting that "[s]ince depreciation represents a large portion of an aircraft's fixed costs, pricing based on 4 aircraft will be noticeably lower than pricing based on 10 aircraft." AR, exh. 11, SSEB Report, at 79. The evaluators took no exception with TacAir's pricing approach; they did not assess any of TacAir's proposed prices as unrealistically low or otherwise assign any related weaknesses to the firm's proposal.³⁵

In addition, the SSA expressly acknowledged TacAir's pricing strategy of only charging the government for the direct costs of the four aircraft to be utilized in performance. AR, exh. 14, SSDM, at 4. The SSA also noted that TacAir had "taken a management challenge" with respect to its decision not to include in its price any costs associated with providing AESA radar capability. Id. Still, the SSA highlighted that the firm's flight hour rate was "in line with historical F-5 Sustainment costs," and its premium flight hour rate (i.e., with AESA radar) was "in line with the other offerors' proposal." Id. Ultimately, the SSA emphasized that the SSEB and SSAC concluded that TacAir's pricing approach was "innovative and reasonable." Id.

Thus, the record reflects that the agency performed the realism analysis contemplated by the solicitation. The evaluators recognized an inconsistency in TacAir's proposal, sought clarity from TacAir, and ultimately accepted the explanations provided by the firm in its final proposal. Indeed, the record supports that the evaluators, the SSAC, and the SSA were fully aware of TacAir's pricing strategy, finding it "innovative and reasonable." See id. On this record, we conclude that NAVAIR conducted a reasonable evaluation of TacAir's price, consistent with the RFP criteria.

In sum, we find no merit to the protester's assertion that TacAir's F-5s failed to comply with the PBWS requirements. We also find unobjectionable NAVAIR's assessment that TacAir's technical proposal was outstanding and low risk. In addition, the agency's price analysis was reasonable. Lastly, ATAC's challenge to the source selection decision, which is based entirely on these alleged errors, fails. See Chemonics Int'l, Inc., B-409346.3 et al., Dec. 11, 2014, 2014 CPD ¶ 368 at 24. (denying challenge to award decision that was based entirely on unmeritorious evaluation improprieties).

The protest is denied.

Thomas H. Armstrong
General Counsel

³⁵ The evaluators also took no exception with TacAir's decision not to price any costs associated with providing AESA radar capabilities. See AR, exh. 11, SSEB Report, at 79.