441 G St. N.W. Washington, DC 20548

Comptroller General of the United States

DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This version has been approved for public release.

Decision

Matter of: Protection Strategies, Inc.

File: B-416635

Date: November 1, 2018

Antonio R. Franco, Esq., Kathryn M. Kelley, Esq., Matthew E. Feinberg, Esq., and Timothy V. Valley, Esq. PilieroMazza PLLC, for the protester.

Sylvia Yi, Esq., and Todd R. Overman, Esq., Bass, Berry & Sims, PLC, for Golden SVCS, LLC, the intervenor.

Marianna Lvovsky, Esq., John L. Bowles, Esq., Kevin R. Hilferty, Esq., Wendy E. Bryant, Esq., and Kristopher D. Muse, Esq., Department of Energy, for the agency. Evan D. Wesser, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

- 1. Protest challenging the agency's evaluation of proposals is denied where the agency's evaluation was reasonable and consistent with the terms of the solicitation.
- 2. Protest challenging the agency's source selection decision selecting a higher-rated, higher-priced proposal is denied where the agency's best-value tradeoff was reasonable and consistent with the terms of the solicitation.

DECISION

Protection Strategies, Inc. (PSI), a small business, of Oak Ridge, Tennessee, protests the award of a contract to Golden SVCS, LLC, a small business, of Kingston, Tennessee, under request for proposals (RFP) No. DE-SOL-0010747, which was issued by the Department of Energy (DOE), for protective force security services for a number of DOE's facilities located in Oak Ridge, Tennessee. PSI challenges the agency's evaluation of its proposal under four of the non-cost factors, and resulting source selection decision.

We deny the protest.

BACKGROUND

The RFP, which was issued on October 6, 2017, and set-aside for small business concerns, sought proposals for protective force security services for several DOE facilities located in Oak Ridge, Tennessee. RFP at 1.¹ The RFP contemplated the award of a cost-plus-award-fee type contract, with a two month transition period, a ten month base period, and four, 1-year option periods. <u>Id.</u> at 15-18.

Award was to be made on the basis of a best-value tradeoff, considering five non-cost factors and cost. <u>Id.</u> at 262. Specifically, the agency was to consider the following non-cost factors: (1) technical and business management approach (35 percent); (2) key personnel (25 percent); (3) experience (15 percent); (4) past performance (15 percent); and (5) transition approach (10 percent). <u>Id.</u> The five non-cost factors, when combined, were significantly more important than cost. <u>Id.</u>

With respect to the technical and business management approach factor, DOE was to evaluate the degree to which the proposal demonstrated the offeror's understanding, capability, and approach that would allow for the successful performance of the contract. Id. DOE was to evaluate the offeror's understanding of the requirements and feasibility of the proposed technical approach relating to program management, duties, training, and staffing. Id. Offerors' respective organizational approaches were to be evaluated based on how they supported an integrated risk-based approach to security operations involving DOE facilities, environmental management operations, and the protection of special nuclear materials, classified material, and personnel. Id. Offerors' respective human resource approaches were to be evaluated considering the degree to which the approach demonstrated the offeror's ability to design and implement innovative and effective programs that are consistent with best practices in the private sector and in support of the performance work statement requirements. Id. Additionally, DOE was to review the offeror's described accounting and estimating systems, and associated internal controls. Id. at 262-63.

With respect to key personnel, DOE was to evaluate three distinct components. First, the agency was to evaluate the degree to which the key personnel positions proposed by the offeror reflected positions that would be the most essential to the contract in relation to the method the offeror proposed to perform the work. <u>Id.</u> at 263. Second, DOE was to evaluate the qualifications and suitability of the proposed key personnel in relation to the work they were proposed to perform and areas of responsibility. Specifically, the agency was to consider the individuals': (a) education; (b) experience in performing work similar in scope, size, and complexity; and (c) demonstrated performance, including leadership and other accomplishments, based on resume information and reference checks. <u>Id.</u> Finally, the agency was to evaluate a two-part

Page 2 B-416635

¹ The RFP was amended ten times. References herein are to the conformed copy of the RFP that was produced by DOE in its agency report (AR). Additionally, references herein to page numbers are to the Bates numbering used by the agency in the AR.

oral presentation. In this regard, the agency was to evaluate the offeror's key personnel, individually and as a team, based on their preparation for and presentation responding to problem-solving scenario exercises provided by DOE. <u>Id.</u> With respect to the scenario responses, the agency was also to evaluate the leadership and utilization of the key personnel team by each offeror's proposed general manager. <u>Id.</u> In addition to the scenarios, the RFP provided that the agency would conduct an interview with each offeror's proposed general manager in order to evaluate the manager's: understanding of the work scope/mission, including challenges and problems associated with his/her position; ability to offer effective solutions to problems; ability to communicate effectively; and leadership. <u>Id.</u>

With respect to experience, DOE was to evaluate the offeror's recent and relevant experience performing work similar in scope, size, and complexity to that described in the performance work statement, as well as activities related to pension and benefit administration and financial systems requiring segregated funding for cost elements operating in an incrementally funded environment. <u>Id.</u> With respect to past performance, DOE was to assess the offeror's potential success in performing the work required by the contract based on the currency, relevancy, and quality of its past performance in performing work similar in scope, size, and complexity to the work described in the performance work statement. <u>Id.</u> at 264. The RFP further defined similar scope to mean the type of work, similar size to mean dollar value and contract duration, and similar complexity to mean performance challenges and risk. <u>Id.</u>

With respect to transition approach, DOE was to evaluate the degree to which the offeror's proposed approach for transitioning the work from the incumbent contractor is comprehensive, feasible, effective, and will allow a smooth and orderly transition. Id. The evaluation was to include whether the offeror's approach demonstrated an understanding of the important activities, issues, and risks to transition and whether its approach addresses its key issues and proposes an approach that can eliminate or mitigate risks to a successful transition. Id. With respect to cost, the agency was to evaluate offerors' proposed costs for realism and reasonableness. Id. at 265.

DOE received four proposals in response to the RFP, including those from PSI and Golden SVCS. The agency evaluated the proposals of PSI and Golden SVCS as follows:

	Golden SVCS	PSI
Technical and Business		
Management (35%)	Excellent	Good
Key Personnel (25%)	Excellent	Satisfactory
Experience (15%)	Excellent	Excellent
Past Performance (15%)	Good	Good
Transition Approach (10%)	Excellent	Satisfactory
Total Evaluated Price	\$65,975,543	\$59,875,471

AR, Tab C.6, Source Selection Decision, at 6.

Page 3 B-416635

The Source Selection Authority (SSA) determined that the strengths of Golden SVCS' proposal would contribute to successful contract performance and, in light of the RFP's stated significance on the non-cost factors, were worth the associated cost premium of the proposal. On that basis, the SSA found that Golden SVCS' proposal represented the best value to the government. <u>Id.</u> at 18. Following a debriefing, PSI filed this protest with our Office.

DISCUSSION

PSI challenges nearly every aspect of DOE's evaluation of its proposal. With respect to the non-cost evaluation factors, the protester disputes the majority of the evaluators' determinations. In this regard, PSI alleges that under the technical and business management, key personnel, and transition approach factors, the agency unreasonably evaluated weaknesses and a significant weakness, which it contends were inconsistent with the terms of the solicitation or otherwise were unreasonable. PSI also alleges that DOE unreasonably failed to consider a number of strengths and significant strengths contained in its proposal. Additionally, the protester argues that the strengths it did receive should have been counted as significant strengths.

PSI also challenges the agency's evaluation of its past performance, arguing that it warranted the highest adjectival rating under the RFP's evaluation criteria. Specifically, the protester contends that the agency failed to consider a number of significant strengths in its proposal, and unreasonably failed to evaluate the relevance of certain past performance references. Finally, the protester challenges the reasonableness of the agency's resulting source selection decision. For the reasons that follow, we deny the protest.²

Technical and Business Management, Key Personnel, and Transition Plan Factors

PSI first challenges DOE's evaluation of its proposal under the technical and business management, key personnel, and transition approach evaluation factors. The protester challenges all of the assessed weaknesses in its proposal, arguing that DOE relied on unstated evaluation criteria, placed undue weight on perceived concerns, or otherwise evaluated PSI's proposal unreasonably. PSI further contends that the agency misevaluated assessed strengths by unreasonably failing to assess them as significant strengths, and also unreasonably failed to assign multiple additional significant strengths to its proposal under these factors.

In reviewing a protest challenging an agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of

Page 4 B-416635

² PSI raises a number of collateral issues. While our decision does not specifically address every argument, we have considered all of the protester's arguments and conclude that none provides a basis on which to sustain the protest.

proposals is a matter within the agency's discretion. Computer World Servs. Corp., B-410513, B-410513.2, Dec. 21, 2014, 2015 CPD ¶ 21 at 6. Rather, we will review the record only to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. Id. As the following representative examples show, we find that the agency's evaluation was generally reasonable, adequately documented, and in accordance with the terms of the RFP. Therefore, we find no basis on which to sustain the protest.

PSI first challenges a number of the assessed weaknesses on the basis that DOE unreasonably relied on unstated evaluation criteria. For example, PSI objects to the assessment of a weakness in its transition plan for failing to adequately address potential risks and provide specific proposed mitigation efforts. Specifically, the evaluators assessed a weakness because PSI's proposal only addressed the risks associated with transitioning incumbent personnel, without addressing any additional technical or business risks, as well as associated mitigations and parties responsible for those efforts. The evaluators concluded that this lack of detail warranted a weakness because it increased the risk of unsuccessful performance by exposing PSI's lack of comprehensive internal assessment and resolution processes during the transition period. AR, Tab C.5, Final Evaluation Report, at 114. PSI argues that the weakness was unreasonable because the RFP did not contemplate the assessment of an offeror's internal assessment and resolution processes.

It is axiomatic that in a negotiated procurement, an agency must evaluate proposals based only on the solicitation's enumerated evaluation factors. Federal Acquisition Regulation (FAR) § 15.305(a); RTI Int'l, B-411268, June 26, 2015, 2015 CPD ¶ 206 at 12. Agencies may, however, evaluate various aspects of an evaluation factor, provided that they are reasonably related to or encompassed by the solicitation's evaluation criteria. Ridoc Enter., Inc., B-292962.4, July 6, 2004, 2004 CPD ¶ 169 at 7. In this regard, even if risk was not specifically listed in the solicitation as an evaluation criterion, an agency is not precluded from considering any proposal risk arising from an offeror's approach or demonstrated lack of understanding that is intrinsic to the stated evaluation factors. DKW Commc'ns, Inc.; Financial & Realty Servs., LLC, B-400117 et al., July 31, 2008, 2009 CPD ¶ 30 at 7; Ridoc Enter., Inc., supra; Davies Rail and Mechanical Works, Inc., B-278260.2, Feb. 25, 1998, 98-1 CPD ¶ 134 at 10. Here, we find no basis to object to the agency's evaluation.

The RFP specifically advised offerors that their transition plans should describe their approaches for transitioning both the work and workforce from the incumbent contractor, including those activities, and associated schedule, necessary to be performed to maintain continuity of services from the beginning of the transition period through assumption of full responsibility for the work. RFP at 248. The RFP further instructed that the offeror needed to identify key challenges and issues that would have the potential to pose significant risks to the orderly and timely transition of the work and the approach that would be used to eliminate or mitigate those risks. Id. The RFP provided that offerors' transition approaches would be evaluated based on the degree to

Page 5 B-416635

which the approach was comprehensive, feasible, effective, and would allow a smooth and orderly transition. <u>Id.</u> at 264. Additionally, DOE was to consider whether the offeror's approach demonstrated an understanding of the important activities, issues, and risks to transition and whether the approach addressed key issues and proposed an approach that could eliminate or mitigate risks to a successful transition. <u>Id.</u>

Although it is apparent that PSI narrowly construed risks to relate only to the transitioning of incumbent personnel, we do not find that such a narrow interpretation is reasonably supported by the terms of the RFP. The RFP's proposal preparation instructions and associated evaluation criteria demonstrate that the agency sought comprehensive transition approaches including consideration of associated risks relating to the transitioning of not just the incumbent personnel, but the actual work itself. The RFP reasonably apprised offerors that they were to provide a detailed assessment of the potential risks with transitioning the work, and therefore we find no basis to question the assessment of a weakness where PSI's response was limited only to the risks associated with transitioning incumbent personnel.

As another example, PSI argues that DOE relied on an unstated evaluation criterion when assessing a weakness under the key personnel factor arising from the protester's responses to the scenarios during oral presentations. Specifically, the evaluators assessed a weakness because PSI's key personnel were unable to translate their qualifications into scenario execution. Among other concerns, the evaluators determined that while PSI's key personnel were able to identify some responsive actions and activities, they were unable to successfully resolve the scenarios. The evaluators concluded that the lack of detail and inability to present solutions commensurate to the size, scope, and complexity of the contract reduced the government's confidence in PSI's ability to respond in a real world situation. AR, Tab C.5, Final Evaluation Report, at 64-65.

PSI argues that the evaluated weakness was unreasonable because the RFP did not expressly provide that offerors had to bring the scenarios to a successful resolution. We disagree. With respect to the oral presentations, the RFP explicitly notified offerors that the agency would evaluate, among other things, the "quality of the solution to the problem(s)." RFP at 263. When read in reasonable context, we find that the RFP adequately informed offerors that the agency would evaluate the proposed solution to the oral presentation scenarios.

In addition to alleging that the agency applied unstated evaluation criteria, PSI also challenges a number of weaknesses on the basis that the agency's evaluation was unreasonable or placed undue weight on minor issues. For example, PSI challenges the significance of the significant weakness assessed by the agency in connection with PSI's proposed general manager's oral interview. Specifically, the evaluators assessed a significant weakness because they found that the general manager was unsure how the incumbent was going to "give people" to the successor contractor, and addressed safety issues, but did not adequately address DOE or industry methods of measuring security program effectiveness (e.g., contract assurance program, performance

Page 6 B-416635

assurance program, self-assessments). The evaluators concluded that these issues warranted a significant weakness because they suggested that the general manager did not adequately understand contract transition and operational compliance requirements. AR, Tab C.5, Final Evaluation Report, at 69.

PSI in essence argues that DOE placed undue weight on "relatively minor issues." PSI Comments at 13. In this regard, with respect to the transitioning of incumbent personnel, the protester argues that the agency failed to explain why a purported lack of understanding of one element of contract performance demonstrates that the general manager did not understand the contract's work scope or requirements. Id. at 12. Similarly, with respect to the issue of assessing security program effectiveness, PSI complains that the agency merely penalized the general manager for "not go[ing] far enough in explaining" how safety measures would be used, and that a significant weakness was not warranted merely because he "may not have provided precisely the level of detail that the Agency was looking for." Id. We find that PSI's assertions, however, merely reflect its disagreement with the evaluators regarding the significance of the shortcomings in its proposed general manager's responses. This type of subjective disagreement with respect to the weight assigned to the evaluated concern simply does not provide any basis to conclude that the agency's evaluation was unreasonable. SOS Interpreting, Ltd., B-287505, June 12, 2001, 2001 CPD ¶ 104 at 8; Ritchie Sawyer Corp., B-281241.2, Jan. 25, 1999, 99-1 CPD ¶ 21 at 4-5.

Similarly, PSI objects to the agency's assessed concerns with its proposed key personnel team's performance during the oral presentation scenarios. For example, with respect to the general manager's leadership and effective use of key personnel, the evaluators assessed a weakness because they found that the proposed general manager had not effectively utilized the team members and dampened independent contributions. In this regard, the evaluators noted that the general manager dismissed the business manager's input in one scenario, which the evaluators found would have resulted in a more accurate response, and in other situations did not request the business manager's input until after the team's solution had been developed. AR, Tab C.5, Final Evaluation Report, at 66. The evaluators further concluded that the general manager appeared to be unduly reliant on the protective force operations/training manager (FPO/TM). Id. at 63.

PSI objects to these evaluated concerns, arguing that it was appropriate for the general manager to rely on the expertise of the FPO/TM and that he reasonably relied on the team members based on their respective areas of expertise. PSI Comments at 11. Here again, we find that the protester's complaints constitute only disagreement with the agency's evaluation. DOE explained that the business manager made meaningful contributions that, had they been acknowledged and incorporated by the team, would have resulted in more satisfactory responses. Thus, the agency reasonably assessed a concern where the observed lack of team collaboration led to an incomplete resolution of the scenario presented. On this record, we find no basis to sustain the protester's

Page 7 B-416635

objections to the agency's evaluation. As these representative examples demonstrate, we find no basis to question the majority of the agency's evaluated weaknesses.³

PSI next challenges DOE's assessment of various strengths in its proposal, arguing that the agency erred in not concluding that those elements of PSI's proposal warranted significant strengths. Agencies, however, have considerable discretion in making subjective judgments about the technical merit of proposals, and technical evaluators are given the discretion to decide whether a proposal "deserves a 'good' as opposed to 'very good' rating." JAM Corp., B-408775, Dec. 4, 2013, 2013 CPD ¶ 282 at 4 (quoting CAS, Inc., B-260934.2, B-260934.3, Sept. 12, 1995, 95-2 CDPD ¶ 239 at 4). The record shows that the agency specifically credited PSI for the elements of its proposal that it now asserts should have been weighted more favorably. Specifically, the agency concluded that the protester's proposal, inclusive of the assessed strengths. demonstrated a good understanding of the contract requirements, and an effective approach to perform the work that will result in a high probability of successful contract performance and limited risk. AR, Tab C.5, Final Evaluation Report, at 31. To the extent the protester believes that its proposal merited more heavily or significantlyweighted strengths, the protester's disagreement with the agency's judgment, without more, does not provide a basis to sustain the protest. Protection Strategies, Inc., B-414648.2, B-414648.3, Nov. 20, 2017, 2017 CPD ¶ 365 at 8; Construction Servs. Grp., Inc., B-412343.3, Feb. 27, 2017, 2017 CPD ¶ 76 at 5; ITT Indus. Space Sys., LLC, B-309964, B-309964.2, Nov. 9, 2007, 2007 CPD ¶ 217 at 12-13.4

Past Performance Factor

PSI challenges the reasonableness of the agency's past performance evaluation. The protester alleges that the agency failed to reasonably consider the relevancy of certain of its subcontractor's past performance. PSI also challenges the alleged disparate

Page 8 B-416635

³ As set forth above, we find that DOE's cumulative evaluation was reasonable. We note, however, that even if PSI were to prevail on one or two of its challenges, the protester could not reasonably establish competitive prejudice. Competitive prejudice is an essential element of any viable protest, and where none is shown or otherwise evident, we will not sustain a protest, even where a protester may have shown that an agency's actions arguably were improper. Interfor US, Inc., B-410622, Dec. 30, 2014, 2015 CPD ¶ 19 at 7. In this regard, the presence of the several remaining weaknesses would still support the agency's ultimate evaluation determinations. Electrosoft Servs., Inc., B-413661, B-413661.2, Dec. 8, 2016, 2017 CPD ¶ 7 at 5.

⁴ We similarly find no basis to sustain PSI's challenges with respect to DOE's alleged failure to consider additional strengths in its proposal. DOE's judgment that the features identified in the protest did not significantly exceed the requirements of the RFP, and thus did not warrant the assessment of unique strengths, is a matter within the agency's discretion and one that we will not disturb where PSI has failed to demonstrate that the evaluation was unreasonable. Metropolitan Life Insurance Co., B-412717, B-412717.2, May 13, 2016, 2016 CPD ¶ 132 at 13.

evaluation results wherein its proposal was evaluated as excellent under the experience factor, but only as good under the past performance factor. Additionally, the protester alleges that its proposal warranted an excellent rating under the RFP's definition. For the reasons that follow, we find no basis on which to sustain the protest.⁵

An agency's evaluation of past performance, which includes its consideration of the relevance, scope, and significance of an offeror's performance history, is a matter of agency discretion which we will not disturb unless the agency's assessments are unreasonable, inconsistent with the evaluation criteria, or undocumented. Fox RPM Corp., B-409676.2, B-409676.3, Oct. 20, 2014, 2014 CPD ¶ 310 at 3. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that an evaluation was improper. Beretta USA Corp., B-406376.2, B-406376.3, July 12, 2013, 2013 CPD ¶ 186 at 10.

As an initial matter, PSI argues that the agency unreasonably failed to consider the relevancy of two of PSI's subcontractor's past performance references. In this regard, the protester points to a lack of documentation in the agency's past performance write-up regarding the relevance of these subcontractor past performance references. PSI contends that the agency's alleged failure to reasonably consider the relevance of these references resulted in an unreasonable disparate evaluation wherein the same references supported the PSI team's excellent rating under the experience factor, but only a good rating under the past performance factor. We find no merit to these arguments.

The record shows that DOE, in the experience section of the evaluation report, prepared detailed assessments of the relevance of the contracts at issue in terms of the size (both in dollar value and duration), scope, and complexity as compared to the requirements of this contract. AR, Tab C.5, Final Evaluation Report, at 87-88. In the case of the PSI subcontractor's references, the evaluators concluded that the references warranted strengths because they were very relevant to the requirements of this contract. Id. at 90-91. Relevant here, both the experience and past performance factors provided that the cited contracts would be reviewed for relevance based on the size, scope, and complexity of those contracts as compared to the RFP's requirements. RFP at 263-64. For both Golden SVCS and PSI, where the same contracts were analyzed under both factors, DOE relied on the analysis of size, scope, and complexity addressed in the experience section. In most instances, the agency specifically stated: "The description of this contract addressing size, scope, and complexity is provided under Criterion 3 Experience." See, e.g., AR, Tab C.5, Final Evaluation Report, at 104. While it is true for the two PSI subcontractor references that the agency did not include the same reference back to the earlier evaluation findings, the agency explains that this

above, PSI's disagreement, absent more, fails to state a viable basis on which to sustain the protest.

Page 9 B-416635

_

⁵ PSI also complains that DOE unreasonably failed to identify or properly weigh the significance of assessed strengths in the protester's past performance. As discussed

does not demonstrate that the evaluators abandoned those findings when evaluating the contracts under the past performance factor. As explained above, the agency found the references to be very relevant under both factors in terms of size, scope, and complexity, as it explained in the experience section of its evaluation report. See Contracting Officer Statement of Facts at 25. On this record, we find no basis to sustain the protester's allegation that the evaluators failed to reasonably consider the relevance of the two subcontractor past performance references.

We also find no basis to sustain the protest because the experience and past performance ratings were not identical. While there is commonality between the experience and past performance factors, they are not identical in nature. Experience generally focused on the type of work performed, whereas past performance generally focused on the recency and quality of that performance. RFP at 263-64. Thus, the fact that the assessed ratings differed does not, by itself, support PSI's contention that the agency's underlying evaluation was unreasonable.

In any event, on the record presented, we find no basis to question the agency's evaluation. The evaluators found that both PSI and Golden SVCS submitted strong past performance information demonstrating good past performance information that supported the government's expectation of good performance and customer satisfaction. AR, Tab C.5, Final Evaluation Report, at 101, 104. Specifically, the evaluators assigned each proposal similar strengths with regard to the quality of the offerors' respective past performance on relevant contracts. For PSI, the evaluators assigned a strength because:

The relevant Contractor Performance Assessment Reporting (CPAR) and Past Performance Information Questionnaire (PPIQ) evaluations included mostly high ratings with no ratings below Satisfactory. PPIQ responder comments attributed past performance to a supportive corporate office, cost-effective operations, and a high employee retention rate. This is a strength as it demonstrated the Offeror has a positive, successful performance record.

<u>Id.</u> at 105.

Similarly, Golden SVCS received a strength because:

The Offeror and its proposed subcontractor displayed successful current, relevant and quality past performance in providing protective force security services to DOE under four contracts listed below that were similar in size, scope and complexity to that of the Performance Work Statement Furthermore, the [PPIQ information] indicated above average performance. This is a strength as it demonstrated the Offeror's potential success of performing the work required under the contract.

ld. at 101-102.

Page 10 B-416635

On this record, we find that the evaluators reasonably reviewed the past performance of the offerors, and therefore find no basis on which to question the agency's evaluation.

Source Selection Decision

PSI also challenges the reasonableness of the agency's best-value tradeoff decision. Although predominately based on the alleged errors in the agency's underlying evaluation, the protester contends that a proper tradeoff decision would have considered the benefits of PSI's lower total evaluated cost. For the reasons that follow, we find that the agency's tradeoff decision was reasonable and adequately documented.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and cost evaluation results; cost/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the evaluation criteria. Crowder Constr. Co. B-411928, Oct. 8, 2015, 2015 CPD ¶ 313 at 10. In this regard, award may be made to a firm that submitted a higher-rated, higher-priced proposal where the decision is consistent with the evaluation criteria and the agency reasonably determines that the technical superiority of the higher-priced offeror outweighs the price difference. Charles Kendall & Partners, Ltd., B-310093, Nov. 26, 2007, 2007 CPD ¶ 210 at 4. Where a cost/technical tradeoff is made, the source selection decision must be documented, and the documentation must include the rationale for any tradeoffs made, including the benefits associated with the additional costs. FAR § 15.308. A protester's disagreement with the agency's determinations as to the relative merits of competing proposals, or disagreement with its judgment as to which proposal offers the best value to the agency, without more, does not establish that the source selection decision was unreasonable. Pacific-Gulf Marine, Inc., B-415375, B-415375.2, Jan. 2, 2018, 2018 CPD ¶ 124 at 7.

The selection reflects that the SSA carefully considered and compared the relative merits of the proposals. First, the SSA undertook a detailed comparative assessment of the proposals across each of the non-cost factors. AR, Tab C.6, Source Selection Decision, at 8. For example, under the most heavily-weighted factor, technical and business management, the SSA first reviewed the evaluated strengths associated with Golden SVCS' proposal. Id. at 7. With respect to PSI's proposal, the SSA first recognized the various strengths associated with PSI's proposal, noting that the protester demonstrated several strengths that were similar to those evaluated in Golden SVCS' proposal. Id. at 8. The SSA then explained, however, that he found Golden SVCS had provided a more thorough and meticulous approach in supporting the performance work statement requirements. Id. In this regard, the SSA highlighted a number of unique strengths associated with Golden SVCS' approach, including, for example, its adoption of [DELETED]. Id.

Page 11 B-416635

After completing this comparative assessment and considering the offerors' proposed costs, the SSA then set forth a detailed tradeoff discussion. The SSA first addressed his assessment of the strengths of Golden SVCS' proposal across the non-cost factors. Id. at 16. The SSA then compared the relevant ratings of the offerors' proposals across the non-cost factors, taking into account the RFP's weighting of the factors. Id. at 17. The SSA concluded that the awardee was the only firm that warranted exceptional ratings for both the technical and business management and key personnel criteria, which as the two most heavily-weighted factors were worth a combined 60 percent of the evaluation. Id. Based on Golden SVCS' technical superiority, the SSA concluded that the associated cost premium was offset by the agency's confidence in the low risk associated with the firm's proposal. Therefore, the SSA selected Golden SVCS' proposal as representing the best value to the government. Id. at 18. On this record, we find no basis to object to the reasonableness of the SSA's tradeoff decision.

The protest is denied.

Thomas H. Armstrong General Counsel

Page 12 B-416635