



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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

Comptroller General
of the United States

Decision

Matter of: University of Massachusetts Medical School

File: B-416646

Date: September 24, 2018

Dyana Nickl, J.D., and Robert DeLanders, Esq., for the protester.
Jason A. Carey, Esq., J. Hunter Bennett, Esq., and Evan R. Sherwood, Esq., Covington & Burling, LLP, for NaphCare, Inc., the intervenor.
Oleta Vassilopoulos, Esq., Department of Justice, for the agency.
Todd C. Culliton, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the agency's best-value tradeoff analysis was unreasonable is denied where the record shows that it was, in fact, reasonable and consistent with the solicitation's evaluation criteria.

DECISION

The University of Massachusetts Medical School (UMass), of Shrewsbury, Massachusetts, protests the award of a contract to NaphCare, Inc., of Birmingham, Alabama, under request for proposals (RFP) No. RFPP05081500001, issued by the Department of Justice, Federal Bureau of Prisons, for comprehensive medical services at the Federal Correctional Complex in Forrest City, Arkansas. The protester alleges that the agency performed an unreasonable best-value tradeoff.

We deny the protest.

BACKGROUND

The RFP, issued on November 19, 2015, contemplated the award of an indefinite-delivery, indefinite-quantity contract with fixed unit pricing to be performed over a 1-year base period and four 1-year option periods. Agency Report (AR), Tab 5,

RFP at Bates 1, 8.¹ The solicitation contemplated the performance of inpatient facility services, outpatient facility services, inpatient/outpatient physician services, and outpatient institution services.² Id. at Bates 10. The solicitation advised that proposals would be evaluated on a best-value tradeoff basis using price, technical, and past performance factors. Id. at 55. When combined, the non-price factors were approximately equal to the price factor. Id.

The agency received proposals from eleven offerors, including UMass and NaphCare, prior to the January 28, 2016, closing date. Contracting Officer's Statement at 3. The agency made an initial competitive range determination, which included UMass and NaphCare, and conducted discussions throughout 2017. Id. After receiving revised proposals, the agency made a final competitive range determination, which again included UMass and NaphCare. Id. Following another round of discussions, the offerors submitted final revised proposals by May 2, 2018. Id.

The agency's evaluation produced the following results:

	UMass	NaphCare
Technical	Very Good	Exceptional Minus
Past Performance	Exceptional	Exceptional
Price	106.12	105.86

AR, Tab 8, Source Selection Decision at Bates 18. In making his source selection decision, the source selection authority (SSA) compared the proposals, including those of UMass and NaphCare. Id. at 18-21. The SSA concluded that NaphCare's proposal was technically superior to UMass' proposal. He found that the NaphCare proposal offered a significant advantage over the UMass proposal because it included specific enhancements that decreased the agency's costs and security risks, whereas the UMass proposal contained enhancements that were of minimal value to the agency. Id. at 20-21. The SSA also determined that the NaphCare proposal offered an additional slight technical advantage over the UMass proposal because it included a greater diversity of physician services and a more favorable driving distance to a community-based health care provider. Id. at 19-20. The SSA further noted that the difference between the evaluated prices was 0.2 percent and therefore UMass had only a slight advantage in that factor. Id. at 21. Based on the SSA's consideration of all features of

¹ The agency used the Bates numbering system for some of the documents contained in the report. Where available, this decision cites to the Bates numbers.

² Offerors were expected to provide unit pricing for each of those services. AR, Tab 5, RFP at 10. Unit prices were to be stated in terms of either a discount or premium to the Medicare base rate. Id. When evaluating price, the agency evaluated the offerors' prices such that the proposal receiving the highest score had the most favorable pricing structure. AR, Tab 7, Price Evaluation at 1-3.

the proposals, the SSA selected NaphCare for award. After UMass received its written debriefing, it filed the instant protest.

DISCUSSION

UMass complains that the best-value tradeoff analysis was unreasonable because its proposal was superior or equal to the NaphCare proposal in regard to the price and past performance factors. Protest at 1. The agency counters that the SSA reasonably concluded that awardee's technical advantages warranted its selection for award. Memorandum of Law at 6.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and price evaluation results; price/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the evaluation criteria. General Dynamics Information Tech., Inc., B-406059.2, Mar. 30, 2012, 2012 CPD ¶ 138 at 4. A protester's disagreement with the agency's determinations, without more, does not establish that the source selection was unreasonable. CACI-WGI, Inc., B-408520.2, Dec. 16, 2013, 2013 CPD ¶ 293 at 17.

Our review of the record provides no basis to question the agency's source selection decision. Contrary to the protester's argument, the solicitation's evaluation criteria did not require the agency to make award to the protester on the basis that it had a lower evaluated price and equivalent past performance rating. Our decisions do not support that type of mechanical approach when conducting a tradeoff analysis; rather, a tradeoff analysis should be predicated on a qualitative comparison of the relative features of a proposal consistent with the stated evaluation criteria. See, e.g., Highmark Medicare Servs., Inc. et al., B-401062.5 et al., Oct. 29, 2010, 2010 CPD ¶ 285 at 19. Thus, whether the protester had the lowest evaluated price and the highest past performance rating is not dispositive because the agency is required to compare the proposals' features consistent with the evaluation criteria.

As noted above, the evaluation criteria provided the agency would consider the past performance and technical factors, when combined, as equal to the price factor when conducting its tradeoff analysis. In comparing the proposals, the agency noted that the protester had a lower evaluated price but considered its advantage in that respect to be negligible given that the difference was only 0.2 percent, and also that neither proposal offered any advantage over the other in terms of past performance. The agency also noted that the only discriminator between the proposals was the awardee's superior technical proposal, the features of which it described in detail. Given that the price differential was relatively minor and the awardee's technical advantage was significant, we find the agency's source selection decision to be reasonable. Cf. Kempter-Rossmann Int'l, B-220772, Feb. 4, 1986, 86-1 CPD ¶ 127 at 4 ("Since the price differential was so minor and the technical difference of the competing proposals so great, we believe that the award should have been made to the higher technically ranked offeror under any reasonable technical/price trade-off analysis. To find otherwise, would give no meaning

to the equal weight both technical and price considerations were to have under the RFP.”).

Finally, to the extent the protester asserts that the awardee’s technical proposal did not offer any technical advantages or that its own evaluated price offered a significant advantage, we note that view constitutes mere disagreement with the agency’s determinations. See CACI-WGI, Inc., supra at 17. Accordingly, we deny this protest allegation because the record does not show that the agency conducted its tradeoff analysis inconsistent with the solicitation’s evaluation criteria.

The protest is denied.

Thomas H. Armstrong
General Counsel