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Comptroller General of the United States

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# **Decision**

Matter of: Coffman Engineers, Inc.

**File:** B-416724; B-416724.2

Date: November 28, 2018

Keric B.O. Chin, Esq., Corianne W. Lau, Esq., Dentons US LLP, for the protester. Reginald M. Jones, Esq., and Nicholas T. Solosky, Esq., Fox Rothschild LLP, for Burns & McDonnell Engineering Company, Inc., the intervenor. Philip Tourangeau, Esq., Department of the Navy, for the agency. Paula J. Haurilesko, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

# **DIGEST**

- 1. Protest that the agency failed to consider the protester's experience in three projects is denied, where the record shows that the agency reasonably concluded that the projects did not demonstrate performance relevant to the synopsis.
- 2. Protest that the evaluation record contained inaccuracies with respect to the awardee's past performance is denied, where the record shows that the selection rationale contained accurate information.

### **DECISION**

Coffman Engineers, Inc., of Honolulu, Hawaii, protests the award of a contract to Burns & McDonnell Engineering Company, Inc. (BMEC), also of Honolulu, Hawaii, under synopsis No. N62742-18-R-0002, issued by the Department of the Navy, Naval Facilities Engineering Command (NAVFAC) Pacific, for architect-engineering fire protection services. Coffman contends that the Navy misevaluated the qualifications statements and made an erroneous selection decision.

We deny the protest.

#### **BACKGROUND**

Generally, architect-engineering procurements, such as the one at issue in this protest, are conducted pursuant to special procedures established by the Brooks Act, 40 U.S.C. §§ 1102-1104, as implemented in Federal Acquisition Regulation (FAR) subpart 36.6.

Under the competitive procedures established by FAR subpart 36.6, the agency does not issue a solicitation, and competing firms do not submit proposals or quotations. FAR §§ 36.601-2, 36.603. Rather, the agency publishes a synopsis inviting capable firms to submit a Standard Form 330 (SF 330), "Architect-Engineer Qualifications" statement. FAR § 36.603(b). The agency then convenes an evaluation board to review the submitted qualifications statements, and holds discussions with at least three of the "most highly qualified" firms. FAR §§ 36.602-2, 36.602-3. The board ranks the firms, and prepares a selection report for the selection authority recommending, in order of preference, at least three firms considered to be the most highly qualified to perform the required services. FAR § 36.602-3. In turn, the selection authority makes a final selection, which consists of the selection authority's listing, in order of preference, of the most highly qualified firms. FAR § 36.602-4.

On May 8, 2018, the Navy published a synopsis for architect-engineer fire protection services for new construction and/or rehabilitation of existing facilities in the NAVFAC Pacific area of responsibility. Agency Report (AR), Tab 2, Synopsis, at 49. The synopsis stated that the procurement would result in the award of one indefinite-delivery, indefinite-quantity contract for a one-year base period and four option years. Id. The synopsis invited qualified firms to submit an architect-engineer qualifications statement (SF 330), which would be evaluated against the following selection criteria, in descending order of importance: (1) firm's specialized experience; (2) key personnel's professional qualifications, specialized experience and technical competence (key personnel); (3) past performance; (4) capacity; (5) sustainable design; (6) design quality control program; (7) small business utilization; (8) firm locations; and (9) volume of work. Id. at 50-55.

With respect to the firm's specialized experience criterion, the synopsis stated that firms would be evaluated for their specialized experience in relevant projects that involved the design, construction surveillance, and inspection and testing of fire protection systems. <a href="Modes design-left">Id.</a> at 50. The synopsis stated that "[s]pecialized experience demonstrating greater variety of fire protection systems and facilities involved in the NAVFAC Pacific areas of responsibility (e.g., Hawaii, Guam, Tinian, Diego Garcia, Australia, and other NAVFAC Pacific Ocean areas) will be more favorably considered." <a href="Id.">Id.</a> Offerors were instructed to provide a maximum of ten projects to demonstrate the firm's specialized experience. <a href="Id.">Id.</a> Offerors were instructed to provide a maximum of ten projects to submit all information on the firm's specialized experience in section F of the SF 330, and advised that the Navy would not consider information in addition to that submitted in section F. Id. at 51.

The synopsis stated that firms would be evaluated on past performance of relevant projects in terms of work quality, compliance with schedules, cost control, and stakeholder/customer satisfaction. <u>Id.</u> at 52. The synopsis required offerors to submit a

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<sup>&</sup>lt;sup>1</sup> The agency used a BATES numbering system to serially number all pages in the record. All page number citations in this decision are to the BATES numbers assigned by the agency.

Contractor Performance Assessment Reporting System/Architect-Engineer Contract Administration Support System (CPARS/ACASS) evaluation report for each project identified under the firm's specialized experience criterion. <u>Id.</u> If a completed CPARS/ACASS report was not available for the project, offerors were instructed to submit a completed past performance questionnaire (PPQ) instead. <u>Id.</u> The synopsis advised offerors that PPQs must not be from a prime contractor. <u>Id.</u>

With respect to volume of work, the synopsis stated that firms would be evaluated in accordance with Department of Defense (DOD) FAR Supplement (DFARS) Procedures, Guidance and Information (PGI) 236.601-1, using data extracted from the Federal Procurement Data System (FPDS).<sup>2</sup> <u>Id.</u> at 55. The synopsis also stated that firms would be evaluated in terms of work previously awarded by DOD within the past 12 months with the objective of effecting an equitable distribution of contracts among qualified architect-engineer firms. <u>Id.</u>

The Navy received eight qualifications statements. Contracting Officer's Statement/ Memorandum of Law (COS/MOL) at 8. The slate/selection board (SSB) evaluated the qualifications statements and recommended three firms, including Coffman and BMEC, for discussions. <u>Id.</u>

After discussions, the SSB ranked Coffman and BMEC under each selection criterion as follows:

|                                | Coffman | вмес |
|--------------------------------|---------|------|
| Firm's Specialized Experience  | 3       | 1    |
| Key Personnel                  | 3       | 2    |
| Past Performance               | 2       | 1    |
| Capacity                       | 1       | 1    |
| Sustainable Design             | 1       | 1    |
| Design Quality Control Program | 1       | 1    |
| Small Business Utilization     | 3       | 2    |
| Firm Locations                 | 2       | 3    |
| Volume of Work                 | 2       | 1    |
| OVERALL RANKING                | 3       | 1    |

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 $<sup>^{2}</sup>$  FPDS is a comprehensive web-based tool for agencies to report contract actions. FAR  $\S$  4.602.

AR, Tab 14, SSB Report,<sup>3</sup> at 405. In this regard, the SSB ranked the firms from one to three, based on how well the qualifications statement met the selection criteria. <u>Id.</u> at 404. One is the highest ranking and three is the lowest. <u>Id.</u>

Coffman identified 10 projects to demonstrate its specialized experience. <u>See</u> AR, Tab 7, Coffman's Qualification's Statement, at 291. The Navy found that six of Coffman's projects demonstrated specialized experience in at least one of the following activities: design, construction surveillance, and inspection and testing. AR, Tab 14, SSB Report, at 453. Of those six projects, the Navy found that two projects demonstrated specialized experience in all three activities. <u>Id.</u> at 470. The Navy found that, of the remaining four projects, three of them concerned surveys and studies and therefore did not demonstrate the required specialized experience. <u>Id.</u> The Navy overlooked one project concerning student housing at the University of California, at San Diego. <u>See id.</u> at 455, 470. The SSB ranked Coffman third for its specialized experience. <u>Id.</u> at 405.

BMEC also identified 10 projects to demonstrate its specialized experience. <u>See AR</u>, Tab 6, BMEC's Qualifications Statement, at 147. The Navy found that all 10 projects demonstrated specialized experience in at least one of the following activities: design, construction surveillance, and inspection and testing. AR, Tab 14, SSB Report, at 434. Of those 10 projects, the Navy concluded that eight of BMEC's projects demonstrated specialized experience in all three activities. <u>Id.</u> at 469. The SSB ranked BMEC first under the specialized experience criterion. Id.

Coffman provided references for 6 of the 10 projects to demonstrate past performance. AR, Tab 7, Coffman's Qualification's Statement, at 268-273; AR, Tab 14, SSB Report, at 459-460. The Navy did not consider the past performance references for three of the projects Coffman identified. AR, Tab 14, SSB Report, at 459-460. In this regard, Coffman submitted evaluation reports for the prime contractor's performance on two projects; however, the evaluation reports did not discuss the performance of Coffman, a subcontractor for the projects. AR, Tab 14, SSB Report, at 459-460; see AR, Tab 7, Coffman's Qualifications Statement, at 257-259, 261-267. For the final project, Coffman submitted a PPQ that was completed by the prime contractor, which was contrary to the synopsis instructions. AR, Tab 7, Coffman's Qualifications Statement, at 286; AR, Tab 14, SSB Report, at 460.

Of the three references the Navy considered, two references were for projects performed by S.S. Dannaway Associates, a firm that merged with Coffman. AR, Tab 14, SSB Report, at 460. The Navy also considered the reference for a third project

<sup>&</sup>lt;sup>3</sup> The SSB report consisted of a summary document that included a selection recommendation that was signed by the SSB and the selection authority, and a copy of the synopsis and its amendments, the slating rationale to select firms for discussions, and the selection and ranking rationale. <u>See</u> AR, Tab 14, SSB Report, at 402, 407, 408, 434, 469.

that Coffman performed in Guam. <u>Id.</u>; <u>see</u> AR, Tab 7, Coffman's Qualifications Statement, at 281-284. For these three projects, Coffman was rated as exceptional for one project, satisfactory for one project, and very good/satisfactory for the third project. AR, Tab 14, SSB Report, at 460.

The Navy considered 9 of the 10 references that BMEC identified to demonstrate its past performance. <u>Id.</u> at 440-441. Of the nine references, BMEC performed as the prime contractor on five projects, and as a partner in a joint venture performing as the prime contractor on four projects. <u>Id.</u>; <u>see</u> AR, Tab 6, BMEC's Qualifications Statement, at 119-140. BMEC was rated as exceptional for one project, exceptional/very good on two projects, very good on three projects, and very good/satisfactory on three projects. AR, Tab 14, SSB Report, at 440-441. As a result, the SSB ranked BMEC as first under the past performance criterion. <u>Id.</u> at 471.

The SSB recommended BMEC as the most qualified firm with which to begin negotiation. AR, Tab 14, SSB Report, at 405. The SSB noted that BMEC ranked first overall because it was ranked first for the specialized experience, past performance, and volume of work criteria, and tied for first for the capacity, sustainable design, and design quality control program criteria. Id. In comparison, the SSB noted that Coffman ranked third overall because it tied for first for the capacity, sustainable design, and design quality control program criteria, ranked second in the past performance, firm locations, and volume of work criteria, and ranked third in the specialized experience, key personnel, and small business utilization criteria. Id. at 406. The selection authority, who is also the contracting officer, reviewed the SSB report and selected BMEC as the most qualified firm with which to begin negotiations. COS/MOL at 10-11; AR, Tab 14, SSB Report, at 406-407.

After receiving a debriefing, Coffman protested to our Office.

## **DISCUSSION**

Coffman raises multiple challenges to the evaluation of its and BMEC's qualifications statements. For example, Coffman argues that the Navy failed to consider three of its ten projects under the firm's specialized experience criterion. Coffman also argues that the evaluation record is inaccurate with respect to BMEC's past performance, and that the Navy failed to evaluate two of Coffman's past performance projects in accordance with the synopsis. We have considered all of Coffman's arguments, and although we address only a portion of the arguments, we find no basis to sustain the protest.<sup>4</sup>

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<sup>&</sup>lt;sup>4</sup> For example, in its initial protest, Coffman argued that the Navy treated offerors unequally in its evaluation of key personnel qualifications. Protest at 20-21. In this regard, Coffman contended that fewer of BMEC's key personnel had experience in the NAVFAC Pacific area of responsibility and therefore the Navy erroneously ranked BMEC higher than Coffman under the key personnel criterion. <u>Id.</u> at 21. The Navy substantively responded, COS/MOL at 18, and the protester did not further address this (continued...)

In reviewing a protest of an agency's selection of a contractor for architect-engineering services, our Office will not substitute its judgment for that of the agency evaluators. OLBN Architectural Serv., Inc., B-402444.4, B-402444.5, Oct. 4, 2010, 2011 CPD ¶ 55 at 3. Rather, the evaluation of offerors' qualifications statements is within the discretion of the agency, and our review examines whether the agency's selection was reasonable and in accordance with the published criteria. AMEL Techs., Inc., B-412611, Apr. 1, 2016, 2016 CPD ¶ 103 at 5.

## Firm's Specialized Experience

Coffman challenges the Navy's conclusion that only six of its projects demonstrated specialized experience. More specifically, Coffman argues that the Navy mischaracterized and thus failed to consider properly three of its ten projects under the firm's specialized experience criterion. Supp. Protest at 5. Coffman acknowledges that three of its projects involved either surveys or studies, but contends that they also demonstrated specialized experience in the inspection and testing of fire inspection systems. Id. at 6.

The Navy states that offerors were to provide examples of specialized experience, which was defined as "design, construction surveillance and inspection and testing of fire protection systems." COS/MOL at 12 (quoting AR, Tab 2, Synopsis, at 50). The Navy explains that it wanted offerors to submit projects in which the offeror participated in the design, construction surveillance, and inspection and testing of new or renovated fire protection systems, not studies and surveys of existing fire protection systems. Id. at 12-13. The Navy states that Coffman's projects involving surveys and studies of existing fire protection systems do not meet the definition of specialized experience provided in the synopsis. Id. at 13.

(...continued)

issue in its comments; therefore we consider this issue abandoned. Reid Planning, Inc., B-412942, July 8, 2016, 2016 CPD ¶ 202 at 3 n.2. Instead, Coffman argues in its comments and supplemental protest that the Navy applied an unstated evaluation criterion by considering whether key personnel had specialized experience in the NAVFAC Pacific area of responsibility. Protester Comments at 23; Supp. Protest at 10. Under our Bid Protest Regulations, protests based on other than solicitation improprieties must be filed within 10 days of when the protester knew or should have known their basis. 4 C.F.R. § 21.2(a)(2). Because the protester knew that the Navy considered whether the key personnel had experience in the NAVFAC Pacific area of responsibility at the time Coffman filed its initial protest but did not raise the issue of an unstated evaluation criterion until it submitted its comments on the agency report, we dismiss the protest ground as untimely. Id.; see Dynamic Security Concepts, Inc., B-416013, B-416013.2, May 15, 2018, 2018 CPD ¶ 186 at 5.

Page 6 B-416724; B-416724.2 An agency has broad discretion, when evaluating offerors' experience, to determine whether a particular contract is relevant to an evaluation of experience. RORE, Inc., B-410759, Feb. 6, 2015, 2015 CPD ¶ 94 at 5. A protester's disagreement with the agency's evaluation judgments about experience ratings does not establish that the evaluation or the source selection decision was unreasonable. Id.

Based on the record before us, we conclude that the Navy reasonably did not consider Coffman's three projects involving surveys and studies under the firm's specialized experience factor. The synopsis informed offerors that projects performed under the resulting contract may involve new construction and/or rehabilitation of existing facilities. See AR, Tab 2, Synopsis, at 49. Coffman's qualifications statement included three projects that focused primarily on surveys and studies of existing systems. For example, with respect to one project, Coffman's qualifications statement explained that the relevant part of the contract involved "completion of a fire protection system survey with results summarized in a report to the client along with performance of a flow test to determine the existing water supply." AR, Tab 7, Coffman's Qualifications Statement, at 268. The specific scope of work Coffman identified included six items, of which four addressed surveys of buildings and systems, one addressed a construction cost estimate, and one the hydrant flow test. Id. The other two projects also focused on surveys or studies of fire protection systems of existing facilities. See id. at 274, 277. In light of the emphasis on new construction and rehabilitation of existing facilities in the synopsis, we have no basis to object to the agency's evaluation of Coffman's projects under this criterion.

Coffman also argues that the evaluation record contains inaccuracies with respect to the evaluation of BMEC's specialized experience. Protester Supp. Comments at 7. Coffman contends that the SSB report and selection decision erroneously state that eight of BMEC's projects involved all three activities--design, construction surveillance, and inspection and testing of fire protection systems--whereas section H of BMEC's proposal and BMEC's presentation show that only six projects involved all three activities. <u>Id.</u> at 7-8.

The Navy states that it reasonably concluded that eight of BMEC's projects demonstrated specialized experience in design, construction surveillance, and inspection and testing of fire protection systems based on the information BMEC provided in section F of its qualifications statement. Supp. COS/MOL at 4-5. The Navy contends that, even if the protester is correct that only six of BMEC's projects demonstrated specialized experience in all three activities, Coffman was not prejudiced by any error because only two of Coffman's projects demonstrated specialized experience in all three activities. Id. at 6.

Competitive prejudice is an essential element of a viable protest. <u>Electronic Interiors Inc.</u>, B-405576, Nov. 18, 2011, 2011 CPD ¶ 267 at 3 n. 1. Our Office will not sustain a protest unless the protester demonstrates a reasonable possibility that it was prejudiced by the agency's actions, that is, unless the protester demonstrates that, but for the agency's actions, it would have had a substantial chance of receiving the award.

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Archimania, B-414653, Aug. 3, 2017, 2017 CPD ¶ 254 at 5 n.2. Here, we need not resolve this factual dispute since Coffman has not shown that more of its projects demonstrated specialized experience in design, construction surveillance, and inspection and testing of fire protection systems than BMEC's projects. Accordingly, we cannot conclude that Coffman was prejudiced, even if we were to conclude that the Navy misevaluated two of BMEC's projects under this evaluation criterion.<sup>5</sup>

#### Past Performance

Coffman contends that the evaluation record also contains inaccuracies with respect to the evaluation of BMEC's past performance. Supp. Protest at 4-5; Protester Supp. Comments at 11. In this regard, Coffman argues that the SSB's recommendation stated that 9 of BMEC's 10 relevant projects received past performance evaluations of very good to exceptional, but failed to mention that BMEC received satisfactory ratings on four of its projects. Supp. Protest at 5.

The Navy states that the evaluation record is accurate. Supp. COS/MOL at 6. The Navy explains that, although the summary report did not mention that BMEC had satisfactory ratings on some of its projects, the slating rationale and the selection rationale both recognized that BMEC received exceptional and/or very good ratings for five projects and very good and/or satisfactory ratings for four projects. Id.

On this record, we find no basis to sustain the protest. The record shows that, although the selection decision summary failed to include BMEC's satisfactory ratings, the slating rationale and the selection and ranking rationale indicated that BMEC received very good and/or satisfactory ratings for four projects in addition to the five projects for which it received exceptional and/or very good ratings. Compare AR, Tab 14, SSB Report, at 405 with SSB Report at 441, 471. In addition, the slating rationale and selection and ranking rationale indicated that Coffman received one excellent rating and two very good and/or satisfactory ratings. Id. at 460, 471. Based on these ratings, BMEC was ranked higher than Coffman under the past performance criterion. Id. at 471.

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<sup>&</sup>lt;sup>5</sup> Coffman also argues that the Navy unreasonably failed to evaluate one of its projects under the firm's specialized experience criterion. Supp. Protest at 6-7. The Navy concedes that it should have considered the project, but contends that its determination that BMEC ranked higher than Coffman with respect to specialized experience would have been unaffected even if it had considered the project. COS/MOL at 14. In this regard, the Navy states that the project in question was not performed in the NAVFAC Pacific area of responsibility and therefore was not as highly rated as BMEC's projects. Id. The Navy also states that, even if it had considered the project, more of BMEC's projects involved design, construction surveillance, and inspection and testing than Coffman's. Id. Therefore, BMEC's specialized experience would still have been superior to Coffman's. Id. Again, Coffman has not shown that, even with the inclusion of the project in question, its qualifications statement demonstrated more experience than BMEC's under this criterion. Archimania, supra.

Coffman also contends that the Navy unreasonably failed to evaluate two of its past performance references.<sup>6</sup> Protest at 18-20; Protester Comments at 20. Coffman argues that the Navy rejected these references solely because Coffman was a subcontractor on the projects. Protester Comments at 20-21.

The Navy states that its rejection of the past performance references was in accordance with the synopsis. COS/MOL at 16. The Navy explains that the two past performance references of which Coffman complains were CPARS ratings for a prime contractor's performance on a contract. <u>Id.</u> Coffman was a subcontractor under each contract. <u>Id.</u> The CPARS for the two projects were rejected because they did not provide any evaluation specific to Coffman and did not specifically evaluate fire protection systems engineering work performed under the contracts. <u>Id.</u> at 17.

As a general matter, the evaluation of an offeror's past performance is within the discretion of the contracting agency, and we will not substitute our judgment for reasonably based past performance ratings. SEI Grp., Inc., B-400829, Feb. 13, 2009, 2009 CPD ¶ 51 at 3. Where a protester challenges the past performance evaluation and source selection, we will review the evaluation and award decision to determine if they were reasonable and consistent with the solicitation's evaluation criteria and procurement statutes and regulations, and to ensure that the agency's rationale is adequately documented. Shaw-Parsons Infrastructure Recovery Consultants, LLC; Vanguard Recovery Assistance, Joint Venture, B-401679.8 et al., Sept. 8, 2010, 2010 CPD ¶ 211 at 7. A protester's disagreement with the agency's evaluation, without more, does not show that it is unreasonable. Reid Planning, Inc., supra. In addition, our decisions explain that an agency cannot consider the past performance of an entity that will not perform under the contract. See, e.g., IAP World Servs., Inc.; EMCOR Gov't Servs., B-407917.2 et al., July 10, 2013, 2013 CPD ¶ 171 at 10-11 (improper for agency to consider experience and past performance of affiliate where proposal did not indicate affiliate would perform).

The record demonstrates that the agency reasonably evaluated Coffman's past performance submissions. The synopsis provided that firms would be evaluated for past performance on projects with government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules. AR, Tab 2, Synopsis, at 52; see also FAR § 36.602-1. The synopsis further stated that firms would be evaluated on past performance information included in the CPARS/ACASS or PPQs provided. AR, Tab 2, Synopsis, at 52.

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<sup>&</sup>lt;sup>6</sup> In its initial protest, Coffman challenged the Navy's rejection of a third past performance reference. Protest at 18-20. After the Navy explained that the reference had been rejected because it had been completed by a prime contractor in violation of the terms of the synopsis, COS/MOL at 16, Coffman did not rebut or substantively address the agency's argument. Therefore, we deem this argument to be abandoned. See BOSH Global Servs., B-413115, Aug. 11, 2016, 2016 CPD ¶ 218 at 3 n.3.

The SSB credited Coffman with the past performance of two projects the protester submitted and which were performed by S.S. Dannaway Associates, a firm with which Coffman had merged. AR, Tab 14, SSB Report, at 460. The SSB also credited Coffman for its past performance on a third project because Coffman submitted a CPARS report that addressed its performance. <u>Id.</u> The SSB did not consider two projects in which Coffman performed as a subcontractor because the evaluation forms Coffman submitted did not discuss the work that Coffman performed. <u>Id.</u>; <u>see</u> AR, Tab 7, Coffman's Qualifications Statement, at 257-259, 261-267. Because the SSB was unable to determine Coffman's performance under those projects, the agency reasonably did not credit Coffman with performance under the two projects. Accordingly, we deny this protest ground.<sup>7</sup>

#### Volume of Work

Finally, Coffman argues that the SSB ranked BMEC higher than the protester under the volume of work criterion based on the erroneous conclusion that BMEC had not received any DOD contracts in the past 12 months. Supp. Protest at 8; Protester's Supp. Comments at 20. Coffman contends that BMEC received millions of dollars' worth of DOD contracts. Protester's Supp. Comments at 21.

The Navy states that it cannot explain why it did not obtain the same search results from FPDS as the protester. Supp. COS/MOL at 10. The agency explains that it followed its established practice of obtaining information from FPDS using the data universal numbering system (DUNS) number BMEC set forth in its qualifications statement.<sup>8</sup> Id. The Navy contends that, even if BMEC had more DOD contracts than Coffman, the

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<sup>&</sup>lt;sup>7</sup> Coffman also argues that the Navy unreasonably failed to consider the CPARS reports for the two projects because the synopsis did not inform offerors that the Navy was only interested in offerors' past performance as a prime contractor. Protester Comments at 21. As noted, for the past performance criterion, the synopsis required offerors to submit a CPARS/ACASS evaluation report for each project identified under the firm's specialized experience criterion, and if a completed CPARS/ACASS report was not available, offerors were instructed to submit a completed PPQ. AR, Tab 2, Synopsis, at 52. The synopsis advised offerors that PPQs must not be from a prime contractor. Id. To the extent that Coffman believed that it was unable to submit evaluations of its own past performance as a subcontractor in light of the synopsis instructions and requirements, the protester was required to protest the terms of the synopsis before the closing time for receipt of the qualifications statements. See 4 C.F.R. § 21.2(a)(1); DCR Servs. & Constr., Inc., B-415565.2, B-415565.3, Feb. 13, 2018, 2018 CPD ¶ 125 at 4.

<sup>&</sup>lt;sup>8</sup> The DUNS numbering system, which is established by Dun & Bradstreet Information Services, provides a discrete 9-digit number assigned to a business that can be used to precisely identify an offeror or contractor. <u>See United Valve Co.</u>, B-416277, B-416277.2, July 27, 2018, 2018 CPD ¶ 268 at 6.

protester was not prejudiced because BMEC was ranked highest or tied for highest under more evaluation criteria than Coffman and for more important evaluation criteria. <u>Id.</u> at 10-11. The Navy states that, in this regard, DFARS PGI 236.602-1 advises not to reject the overall most highly qualified firm solely in the interest of equitable distribution of contracts. <u>Id.</u>

Competitive prejudice is an essential element of a viable protest and we will not sustain the protest unless the protester establishes a reasonable possibility that it has been prejudiced by the agency's actions. Armed Forces Hospitality, LLC, B-298978.2, B-298978.3, Oct. 1, 2009, 2009 CPD ¶ 192 at 9-10. Because we find no merit to the protester's challenges to the agency's evaluation under two of the most important selection criteria, we see no reasonable possibility that the protester suffered any prejudice as a consequence of any alleged evaluation errors under the least important criterion. See AMEL Techs., Inc., B-412587.2, June 20, 2016, 2016 CPD ¶ 163 at 3 n.3.

The protest is denied.

Thomas H. Armstrong General Counsel

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