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## Decision

**Matter of:** AECOM Management Services, Inc.

**File:** B-417639.2; B-417639.3

**Date:** September 16, 2019

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Wade L. Brown, Esq., Kelly Sledgister-Stehle, Esq., and Matthew A. McNease, Esq., Department of the Army, for the agency.

April Y. Shields, Esq., Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

1. Agency’s evaluation of protester’s and awardee’s proposals under the technical evaluation factor was reasonable, including the agency’s assessment of strengths in awardee’s proposal that ultimately were relied on as discriminators in the source selection decision.

2. Agency’s evaluation of protester’s and awardee’s proposals under the past performance evaluation factor was reasonable, including the determination that awardee’s prior performance was more relevant to this procurement than the protester’s prior performance.

3. Protest challenging the agency’s best-value tradeoff decision is denied where the agency documented multiple discriminators justifying the awardee’s higher price and where the underlying evaluation was reasonable.

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## DECISION

AECOM Management Services, Inc., of Germantown, Maryland,<sup>1</sup> protests the Department of the Army's award of a contract to DynCorp International, LLC, of McLean, Virginia, pursuant to request for proposals (RFP) No. W58RGZ-16-R-0271 for aviation field maintenance support services. AECOM challenges various aspects of the agency's source selection process, including the agency's evaluation under the technical and past performance evaluation factors.

We deny the protest.

## BACKGROUND

On March 9, 2018, the agency issued the RFP, seeking proposals to provide aviation field and sustainment level maintenance services for the geographic region known as Aviation Field Maintenance (AFM) II West.<sup>2</sup> AR, Contracting Officer's Statement and

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<sup>1</sup> The company that submitted the proposal was URS Federal Services, Inc., which has since changed its name to AECOM Management Services, Inc. Based on this record, AECOM is an interested party to maintain this protest. See Protester's Response to Intervenor's Second Request for Dismissal, Aug. 8, 2019; Intervenor's Second Request for Dismissal, Aug. 5, 2019; see also, e.g., Enterprise Servs., LLC, B-415517, B-415517.2, Jan. 18, 2018, 2018 CPD ¶ 83 at 6-9 (finding that a protester is an interested party where, following a name change and corporate spin-off and merger, it stands as the successor in interest to the entity that submitted the proposal).

<sup>2</sup> This procurement, generally referred to as AFM II West, is one of two follow-on contracts to the previously-awarded AFM I contracts, under which aviation maintenance support services were provided through five regional contracts--four regions within the continental United States (CONUS) and one region outside the continental United States (OCONUS). Under the predecessor AFM I contracts, DynCorp provided services in the OCONUS region (referred to as the theater aviation sustainment manager-OCONUS (TASM-O) contract), as well as in one of the CONUS regions (referred to as the regional aviation sustainment manager-west (RASM-W) contract); AECOM provided AFM I services in one of the four CONUS regions (referred to as the regional aviation sustainment manager-central (RASM-C) contract). The RFP here, for the AFM II West contract, contemplates services to be performed in states west of the Mississippi River (Arkansas, Oklahoma, Iowa, Kansas, Minnesota, Missouri, North Dakota, Nebraska, South Dakota, Texas, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Hawaii, Alaska, and New Mexico), as well as in countries within the responsibilities of the United States Northern Command and the United States Pacific Command. Agency Report (AR), Tab 2c, RFP Areas of Responsibility, at 4. The remaining aviation support services will be provided under a second contract, AFM II East, which was separately competed.

Memorandum of Law (COS/MOL), at 1-2; AR, Tab 2a, RFP (conformed).<sup>3</sup> Among other things, the contractor's responsibilities will include aviation reset (i.e., restoring aircraft to a fully mission-capable condition), non-standard repairs with maintenance engineering approval, installation and removal of modification work orders, combat aviation brigade pass-back maintenance support, port operations, pre-mobilization and mobilization, unit support, crash and battle damage, and downed aircraft recovery. COS/MOL at 1-2; AR, Tab 2b, RFP Performance Work Statement (PWS), at 6. The RFP contemplated the award of a single contract for a 1-year base period and seven 1-year option periods, with an independent government cost estimate of \$924 million. RFP at 2; AR, Tab 6, Final Evaluation Briefing Slides (Source Selection Evaluation Board (SSEB) Report), at 9.

The RFP provided for award on a best-value tradeoff basis, considering the following evaluation factors, listed in descending order of importance: (1) technical, (2) past performance, (3) cost/price, and (4) small business participation.<sup>4</sup> AR, Tab 2h, RFP § M, at 1. The RFP further provided that the three non-cost/price factors, combined, were significantly more important than the cost/price factor, and cautioned offerors that award would not necessarily be made to the lowest-priced offeror. Id.

Under the technical factor, the RFP required offerors to submit a comprehensive management plan addressing eight areas, which would be evaluated for completeness, feasibility of approach, and risk. AR, Tab 2f, RFP § L, at 6-8; RFP § M at 2-4. The RFP also required offerors to apply their comprehensive management plan to three scenarios,<sup>5</sup> and stated that the response to each scenario also would be evaluated for completeness, feasibility of approach, and risk, as well as consistency with the management plan.<sup>6</sup> RFP § L at 6-8; RFP § M at 3.

Under the past performance factor, the RFP required offerors to identify three prior contracts that were "in performance or awarded during the past three years, from the issue date of this RFP[.]" RFP § L at 10. The RFP advised that the agency would make

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<sup>3</sup> The agency amended the RFP six times. All citations are to the conformed solicitation provided by the agency at Tab 2 of the agency report.

<sup>4</sup> Offerors also had to first meet four entry-gate criteria, and then be technically acceptable, to be eligible for award.

<sup>5</sup> The RFP provided three hypothetical scenarios that were specific to the AFM II West region. Of relevance here, the third scenario requested the contractor provide teams to support "an increased aircraft phase capability" on the Korean peninsula. RFP § L at 8-9.

<sup>6</sup> Proposals were assigned technical ratings of outstanding/blue, good/purple, acceptable/green, marginal/yellow, and unacceptable/red. RFP § M at 3-4. For simplicity, this decision omits the color code and refers only to the associated adjectival rating.

judgments regarding the degree of relevance for each contract identified,<sup>7</sup> along with the quality of the offeror's prior performance, and assign an overall past performance confidence rating to each proposal.<sup>8</sup> RFP § M at 4-6.

With regard to cost/price, the RFP established multiple contract line item numbers (CLINs) and identified each CLIN as either: fixed-price (FP); time-and-materials (T&M); cost-plus-fixed-fee (CPFF); or cost (no fee).<sup>9</sup> Of relevance here, for the cost (no fee) CLINs, offerors were directed to include government-provided numbers--that is, "plug" numbers--as their proposed prices for each cost (no fee) CLIN;<sup>10</sup> and the RFP put offerors on notice that those costs would not be adjusted for evaluation purposes, stating that total evaluated cost/price would be calculated by adding "the offeror's proposed [FP] and T&M CLIN prices, the probable cost amount for CPFF CLINs, and the government-provided amounts for the cost (no fee) CLINs." RFP § M at 9.

On or before the May 21 closing date for initial proposals, the agency received proposals from five offerors, including AECOM and DynCorp.<sup>11</sup> Following the

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<sup>7</sup> The RFP defined relevant efforts as "services/efforts that are the same as or similar to the effort . . . required by the RFP," and advised offerors that the criteria for assessing relevance "may include, but [are] not limited to[:] similarity of service/support; the level of complexity; performance under [certification standards] AR 95-20, AS9100, or AS9110 (any revision); dollar value; contract type; location and degree of subcontract/teaming." RFP § L at 10; RFP § M at 4-5. The RFP further provided that the agency would assign relevancy ratings of: very relevant (effort involved is essentially the same scope, magnitude, and complexity as required by this RFP); relevant (effort involved is similar in scope, magnitude, and complexity as required by this RFP); somewhat relevant (effort involved some of the scope, magnitude, and complexity required by this RFP); and not relevant (effort involved little or none of the scope, magnitude, and complexity required by this RFP). RFP § M at 5.

<sup>8</sup> Proposals were assigned confidence ratings of substantial confidence, satisfactory confidence, limited confidence, no confidence, and unknown confidence (neutral). RFP § M at 5-6.

<sup>9</sup> The RFP provided that FP CLINs would be evaluated for reasonableness; T&M CLINs would be evaluated for reasonableness and compliance with various labor requirements; and CPFF CLINs would be evaluated for reasonableness, realism, and compliance with various labor requirements. RFP § M at 6-8.

<sup>10</sup> The RFP identified various costs/activities to be covered by the cost (no fee) CLINs, including material/non-material expenses such as passports and visas, travel, OCONUS differentials/allowances, contingency operations, associated indirect/burden expenses, and other country-specific employer costs. See RFP at 9-28.

<sup>11</sup> The proposals submitted by the other offerors are not relevant to this protest and are not further discussed.

evaluation of initial proposals, the agency established a competitive range of all five offerors, conducted discussions, and requested final proposals revisions (FPRs) by November 20. The SSEB then evaluated AECOM's and DynCorp's FPRs as follows:

	<b>AECOM</b>	<b>DynCorp</b>
<b>Technical</b>	Acceptable	Good
<b>Past Performance Confidence</b>	Satisfactory	Substantial
<b>Cost/Price Total Evaluated</b>	\$1,022,923,070	\$1,099,873,597
<b>Small Business</b>	Good	Good

AR, Tab 6, SSEB Report at 15.

In evaluating DynCorp's proposal as "good" under the technical factor, the agency evaluators identified one significant strength, two strengths, and one weakness.<sup>12</sup> AR, Tab 6, SSEB Report at 21-23. The significant strength was assessed for DynCorp's proposed use of its own, Army-approved, deployment center, which the agency noted would enable DynCorp to more rapidly deploy contractor personnel to OCONUS locations.<sup>13</sup> One of the strengths was assessed for DynCorp's proposed use of its trade compliance department to manage compliance with host nation laws, which the agency described as "a dedicated group that coordinates support and manages active technical agreements for [REDACTED] countries[.]" Id. at 21-22. The SSEB noted that DynCorp's proposed trade compliance department would be of value for quickly establishing operations in the "likely" AFM West locations of the Republic of Korea and Japan. Id. In evaluating AECOM's proposal as "acceptable" under the technical factor, the agency identified one strength and two weaknesses.<sup>14</sup> Id. at 32-35.

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<sup>12</sup> A significant strength was defined as "an aspect of an offeror's proposal that has appreciable merit or appreciably exceeds specified performance or capability requirements in a way that will be appreciably advantageous to the government during contract performance." AR, Tab 3, Source Selection Plan, at 53. A strength was defined as "any aspect of a proposal that has merit or exceeds specified performance or capability requirements in a way that will be advantageous to the government during contract performance." Id. A weakness was defined as "a flaw in the proposal that increases the risk of unsuccessful contract performance." Id.

<sup>13</sup> The agency noted that under the usual deployment method, using the Army's CONUS Replacement Center, soldiers and government civilian employees take priority over deployment of contractor civilian employees, thereby delaying deployment of contractor personnel. See AR, Tab 4, Source Selection Decision Document (SSDD), at 11.

<sup>14</sup> AECOM's one strength was assessed for its proposal of "[a] [REDACTED] tool" to "[REDACTED]." AR, Tab 6, SSEB Report at 33. The agency noted that DynCorp's second evaluated strength reflected its proposal of a similar tool and that "a comparison of these [REDACTED] tools shows [REDACTED]." AR, Tab 4, SSDD at 9.

In assigning a “substantial confidence” past performance confidence rating to DynCorp, the agency assessed one of DynCorp’s prior contracts as “very relevant,” one as “relevant,” and one as “somewhat relevant.”<sup>15</sup> AR, Tab 6, SSEB Report at 45; AR, Tab 13, DynCorp FPR Past Performance Report, Jan. 30, 2019. In assigning a “satisfactory confidence” past performance rating to AECOM, the agency assessed each of AECOM’s three contracts as “somewhat relevant.”<sup>16</sup> AR, Tab 6, SSEB Report at 51-52; AR, Tab 22, AECOM FPR Past Performance Report, Jan. 30, 2019.

Based on the SSEB’s evaluation, as well as the recommendation from the source selection advisory council (SSAC), the source selection authority (SSA) concluded that DynCorp’s FPR was the most advantageous and presented the best overall value under the terms of the RFP. AR, Tab 4, SSDD at 14. In comparing AECOM and DynCorp’s proposals, the SSA specifically noted DynCorp’s technical superiority--based in part on the significant strength assessed for its internal deployment center and the strength assessed for its trade compliance department--and AECOM’s technical weaknesses, as well as the advantages of DynCorp’s past performance over AECOM’s past performance. Id. at 11-12. Based on these considerations, the SSA concluded that DynCorp’s proposal was worth the 7 percent price premium and was “the most advantageous and represents the best overall value to the government for providing quality aviation field and sustainment level maintenance services worldwide.” Id. at 11-12, 14.

AECOM was subsequently notified of the SSA’s source selection decision. This protest followed.

## DISCUSSION

AECOM challenges several aspects of the agency’s source selection decision, including the agency’s evaluation of proposals under the technical and past performance factors and, based on its various alleged evaluation flaws, maintains that the agency’s best-value determination was unreasonable. We have reviewed all of AECOM’s arguments and discuss below several representative examples of AECOM’s assertions,

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<sup>15</sup> With regard to quality of performance, the agency determined that the “overall acceptance rating” in DynCorp’s past performance questionnaires (PPQs) was “outstanding” and “a predominance of the CPAR [contractor performance assessment report] ratings were very good.” AR, Tab 6, SSEB Report at 45; AR, Tab 13, DynCorp Past Performance Report at 15.

<sup>16</sup> With regard to quality of performance, the agency determined that the “overall acceptance rating” in the PPQs submitted for AECOM was “good,” and the majority of the CPAR ratings were “satisfactory.” AR, Tab 6, SSEB Report at 52; AR, Tab 22, AECOM FPR Past Performance Report at 12.

the agency's responses, and our conclusions. Based on our review, we find no basis to sustain AECOM's protest.<sup>17</sup>

## Technical Evaluation

AECOM presents multiple allegations regarding the agency's technical evaluation of both DynCorp's and AECOM's proposals. As discussed below, we reject all of AECOM's assertions.

### Evaluation of DynCorp's Technical Proposal

First, AECOM challenges the agency's assessment of a significant strength with regard to DynCorp's internal deployment center, along with the agency's assessment of a strength regarding DynCorp's trade compliance department. In challenging both assessments, AECOM asserts that "neither is logically encompassed in the stated evaluation criteria" and, thus, AECOM "had no reason to propose either feature." Protest at 18. Based on these assertions and representation, AECOM maintains that "it was unreasonable for the agency to use these two features as . . . discriminator[s] for DynCorp."<sup>18</sup> Id. at 18-19.

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<sup>17</sup> In addition to the specific arguments discussed below, AECOM has challenged various aspects of the agency's source selection process, including allegations that the agency failed to identify additional strengths in AECOM's technical proposal; that the agency engaged in disparate treatment of the offerors; and that the agency improperly aggregated the offerors' prior contracts under the past performance factor. Further, AECOM initially raised, but subsequently abandoned, a challenge to the agency's assessment of weaknesses in its technical proposal. Compare Protest at 25-28 with COS/MOL at 18-24 with Comments and Supp. Protest, July 19, 2019. We will not consider abandoned arguments. IntelliDyne, LLC, B-409107 et al., Jan. 16, 2014, 2014 CPD ¶ 34 at 3 n.3. Based on our review of all of AECOM's submissions, we find no basis to sustain its protest.

<sup>18</sup> Notwithstanding AECOM's assertion that the agency's assessment of both strengths reflected application of unstated evaluation factors, and that AECOM thus "had no reason to propose either feature," Protest at 18, AECOM subsequently withdrew its initial protest regarding DynCorp's trade compliance department. Comments and Supp. Protest, July 19, 2019, at 7. Despite initially asserting that it "had no reason to propose" this feature, AECOM filed a supplemental protest asserting that its proposal had, in fact, provided "[this] exact same capability" as DynCorp's trade compliance department, revising its protest to assert that the agency failed to properly recognize this aspect of AECOM's proposal. Id. The agency maintains that AECOM's revised assertion regarding the agency's alleged failure to properly evaluate AECOM's proposal is untimely. We agree. Clearly, at the time AECOM filed its initial protest, AECOM knew what it had proposed regarding compliance with host nation laws; knew that the agency had assessed a strength in DynCorp's proposal for its approach to such compliance; and knew that the agency had not assessed a similar strength in AECOM's proposal.

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The agency responds by pointing out that the solicitation clearly requires deployment of personnel to OCONUS locations, and further provides that the number of OCONUS locations may increase during contract performance. See PWS at 6; AR, Tab 2c, Areas of Responsibility at 4. The agency further notes that the solicitation provided for the evaluation of an offeror's management plan with regard to, among other things, "feasibility" (which the solicitation described as an assessment of whether the plan was "realistic and effective") and "risk." See RFP § M at 2-3. Finally, the agency notes that the PWS defined an offeror's management plan as encompassing the "total management approach for achieving the contract requirements and ensuring total contract performance." PWS at 78. Accordingly, the agency maintains that DynCorp's proposed use of its internal deployment center was reasonably and logically related to the solicitation's requirements and stated evaluation factors.

With regard to the agency's judgment that DynCorp's proposal exceeded the solicitation requirements, the agency states that DynCorp's internal deployment center presents benefits to the government due to the capability to "more rapidly process employees into OCONUS locations," because contractor employees are "not the priority" at the Army's deployment center, and because the AFM II West effort is a "dynamic environment" with needs that may change during the 8-year performance period. COS/MOL at 11. In this regard, the SSEB evaluation stated:

[DynCorp] exceeded the government requirement through [its] use of its internal, Army approved, deployment center to process its deploying employees. This capability enables [DynCorp] to have personnel on station to OCONUS locations faster than if their employees were required to attend the US Army CONUS Replacement Center[.] [DynCorp's] approach to process its employees through its US Army approved deployment center exceeds the government's requirements and will significantly reduce overall program risk to the government. [DynCorp's] capability is a significant strength to Government, particularly during surge operations.

AR, Tab 6, SSEB Report at 21. The SSA concurred with the SSEB's assessment and also noted that DynCorp indicated in its proposal that its internal deployment center was approved [REDACTED] as complying with all Army deployment center requirements

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Accordingly, AECOM's revised complaints regarding this matter are not timely filed and will not be considered further. 4 C.F.R. § 21.2(a)(2). In any event, the record establishes that the agency reasonably concluded that, while AECOM's proposal satisfied the RFP requirements regarding compliance with host nation laws, DynCorp's proposal exceeded those requirements. AR, Tab 6, SSEB Report at 22; AR, Tab 4, SSDD at 4-5.



and meeting agency standards “to maximize [DynCorp’s] flexibility for scheduling training and expediting the deployment process.” AR, Tab 4, SSDD at 4.

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 proposals is a matter within the agency’s discretion. Rather, we will review the record to determine whether the agency’s evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. Computer World Servs. Corp., B-410513, B-410513.2, Dec. 31, 2014, 2015 CPD ¶ 21 at 6. A protester’s disagreement with the agency’s judgment, without more, is insufficient to establish that the agency acted unreasonably. Vertex Aerospace, LLC, B-417065, B-417065.2, Feb. 5, 2019, 2019 CPD ¶ 75 at 8.

On this record, we find no basis to question the agency’s assessment of a significant strength with regard to DynCorp’s internal deployment center. As noted above, the record establishes that the evaluators identified several specific benefits flowing to the government from this feature of DynCorp’s proposal, and the agency has identified the evaluation factors under which assessment of this benefit was appropriate. While AECOM may disagree with the agency’s judgments, it has failed to establish that those judgments were unreasonable. Accordingly, this protest ground is denied.<sup>19</sup>

AECOM also challenges the agency’s evaluation of what the protester characterizes as DynCorp’s “internally inconsistent” approach to one of the scenarios under the technical factor. Comments and Supp. Protest, July 19, 2019, at 11. In this regard, AECOM complains that DynCorp proposed two different timelines for [REDACTED] in its response to the third scenario, in which the contractor was hypothetically requested to

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<sup>19</sup> In challenging the agency’s assessments of a significant strength for DynCorp’s proposed use of its internal deployment center and a strength for DynCorp’s proposed use of its trade compliance department, AECOM contends that the agency failed to reasonably assess “the cost and other consequences” of these features of DynCorp’s proposal. Comments and Supp. Protest, July 19, 2019, at 5-7, 10-11; see also Protest at 35-36. The agency responds that these aspects of DynCorp’s proposal were properly associated with the cost (no fee) CLINs. COS/MOL at 35-36. More specifically, the agency points out that the RFP directed offerors to include particular proposal efforts under the cost (no fee) CLINs, see RFP at 9-28; established government-provided costs (that is, “plug” numbers) to be used for the cost (no fee) CLINs; and provided that the unadjusted government-provided costs for each cost (no fee) CLIN would be incorporated into the total evaluated cost/price. See RFP § M at 9. Accordingly, the agency maintains that any adjustment to DynCorp’s price based on its trade compliance department and internal deployment center--aspects of its proposal that were properly covered in the cost (no fee) CLINs--would have been contrary to the terms of the solicitation. AECOM has not meaningfully disputed the agency’s position on this issue. Accordingly, AECOM’s complaints regarding the agency’s cost/price evaluation fail to provide a basis to sustain the protest.

provide teams to support “an increased aircraft phase capability” on the Korean peninsula. Id.; see RFP § L at 9. In response, the agency explains that it viewed DynCorp’s proposal as consistently promoting a primary standard of achieving compliance with host country entry requirements. The agency also explains that DynCorp’s response to this scenario simply included two possible mitigation strategies to meet that standard as appropriate in different circumstances and to minimize the risk of potential [REDACTED] delays. Supp. COS/MOL at 7-8, citing AR, Tab 8, DynCorp Final Proposal Volume II Technical at 78, 111-115.

Again, we find no basis here to question the reasonableness of the agency’s evaluation. As noted above, the RFP required offerors to propose and apply a comprehensive management plan to three scenarios, which would be evaluated based on completeness, feasibility of approach, risk, and consistency. RFP § L at 6-8; RFP § M at 3. Here, the agency found that DynCorp’s proposal responded to the scenario and, contrary to AECOM’s view, met the consistency aspect of the requirements. While AECOM may disagree with the agency’s judgments, it has failed to establish that those judgments were unreasonable. Accordingly, this protest ground is also denied.

#### Evaluation of AECOM’s Technical Proposal

AECOM also asserts that the agency unreasonably failed to assess four additional strengths in its proposal. Protest at 21-25; Comments and Supp. Protest, July 19, 2019, at 12-15. The agency responded to each of AECOM’s multiple arguments, explaining why each of the alleged strengths in AECOM’s proposal was not viewed by the agency as exceeding the solicitation requirements in a manner advantageous to the government. COS/MOL at 13-18. We have considered, and reject, all of AECOM’s assertions that the agency’s evaluation was flawed for failing to assess additional strengths to its proposal.

As a representative example, AECOM asserts that its proposal “highlighted its truly global performance” by detailing the many locations of its proposed contract field teams, including locations around the Pacific Rim, which would be used to perform the AFM II West requirements. Protest at 22. In response, the agency first explains that the contract field teams proposed by AECOM are actually “a government program involving government furnished equipment and capabilities utilized under an Air Force contract” and, moreover, that “the use of [contract field teams] is not specific to AECOM, and it is not a capability that can be provided exclusively at AECOM’s discretion.” COS/MOL at 14-15. The agency also states that, while it recognized that AECOM’s proposal met the requirements, it “could not and did not assess AECOM a strength for exceeding requirements by proposing the use of capabilities that are controlled by the government.” Id. at 15.

On this record, we find no basis to question this aspect of the agency’s evaluation of AECOM’s proposal. We note that AECOM fails to identify any specific criterion under the technical evaluation factor for which it should have received this alleged strength. Moreover, we are unpersuaded that this aspect of AECOM’s proposal necessarily

merited a strength, given that the RFP required offerors to, at a minimum, be able to perform in and support CONUS and OCONUS efforts. See, e.g., PWS at 6; AR, Tab 2c, Areas of Responsibility at 4. Finally, although AECOM complains that the agency's response focuses only on its proposed contract field teams and that the record does not address AECOM's "global performance[.]" Comments and Supp. Protest, July 19, 2019, at 12, we note that an agency is not required to document every single aspect of its evaluation or explain why a proposal did not receive a strength for a particular feature. 22nd Century Techs., Inc., B-417336, B-417336.2, May 24, 2019, 2019 CPD ¶ 198 at 5; InnovaSystems Int'l LLC, B-417215 et al., Apr. 3, 2019, 2019 CPD ¶ 159 at 10. Therefore, the protester's contention that this aspect of its proposal deserved a strength does not provide a basis to conclude that the agency's evaluation was unreasonable, and this protest ground is denied.

### Past Performance Evaluation

Next, AECOM protests the agency's past performance evaluation, in which the agency assigned a substantial confidence rating to DynCorp's proposal and a satisfactory confidence rating to AECOM's proposal. In this context, AECOM focuses primarily on the agency's determination that DynCorp's prior contracts were more relevant to the AFM II West requirements.

As noted above, the RFP required offerors to identify three prior contracts for evaluation under the past performance factor, and provided that the agency would assess the degree of relevance for each contract, along with the quality of the offeror's prior performance, and assign an overall past performance confidence rating. RFP § L at 10; RFP § M at 4-5. The solicitation further provided that, in assessing relevance, the agency could consider, among other things, the similarity of services, complexity, dollar value, contract type, and performance location. RFP § M at 4-5.

In response to this requirement, DynCorp identified its two prior AFM I contracts--the theater aviation sustainment manager-OCONUS (TASM-O) contract, valued at \$800.9 million, and the regional aviation sustainment manager-west (RASM-W) contract, valued at \$395 million--along with a third contract under which DynCorp provides aviation maintenance services in Saudi Arabia for the Saudi Arabian National Guard, valued at \$77.5 million. AR, Tab 6, SSEB Report at 45; AR, Tab 13, DynCorp FPR Past Performance Report at 3-4. AECOM identified its single AFM I contract--the regional aviation sustainment manager-central (RASM-C) contract, valued at \$82 million--along with a contract under which AECOM provides aviation field maintenance for the Army (referred to as the contractor field teams (CFT) contract), valued at \$28 million, and a contract under which AECOM provides aviation support for the Corpus Christi Army Depot, valued at \$64.5 million. AR, Tab 6, SSEB Report at 51; AR, Tab 22, AECOM FPR Past Performance Report at 3-4.

Consistent with the provisions of the RFP, the agency considered the relevance of each contract, concluding that DynCorp's TASM-O contract (valued at \$800.9 million) was very relevant,<sup>20</sup> that DynCorp's RASM-W contract (valued at \$395 million) was relevant, and that DynCorp's third contract (valued at \$77.5 million) was somewhat relevant. Similarly, the agency considered each of AECOM's contracts (valued at \$82 million, \$28 million, and \$64.5 million, respectively), concluding that each was somewhat relevant.

More specifically, in assigning a rating of very relevant to DynCorp's TASM-O contract, the agency stated, among other things:

[DynCorp] demonstrated their ability to successfully perform in an [area of responsibility] spanning three continents (Asia, Europe, and North America); whereas[] AFM II West only spans 2 of those continents (Asia and North America). Furthermore, OCONUS environments can present more challenges than those [in] CONUS, such as, but not limited to: logistics (may include personnel, equipment, parts, and supplies), regulatory requirements, labor laws, recruiting/hiring/retaining highly skilled personnel, and austere conditions.

AR, Tab 13, DynCorp FPR Past Performance Report at 13.

In assigning a rating of relevant to the DynCorp's RASM-W contract, the agency stated, among other things:

[DynCorp's referenced contract] involved essentially the same type of work required in AFM II West: unit level rotorcraft maintenance, reset, port and strat-air operations, back shop support, non-destructive inspection, [modification work orders] applications, depot level repairs, scheduled/unscheduled services, [supply support activity] and [aircraft ground support equipment].

Id. at 12.

In assigning a "somewhat relevant" rating to AECOM's single AFM I contract (RASM-C), the agency stated, among other things:

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<sup>20</sup> As noted above, the agency assigned relevancy ratings of: very relevant (effort involved is essentially the same scope, magnitude, and complexities as required by this RFP requires); relevant (effort involved is similar in scope, magnitude, and complexities); somewhat relevant (effort involved some of the scope, magnitude, and complexities required by this RFP); and not relevant (effort involved little or none of the scope, magnitude, and complexities required by this RFP). RFP § M at 5.

Although this contract . . . lacks the magnitude to be considered relevant, this contract . . . is essentially the same scope and complexity as this solicitation requires. [AECOM's referenced contract] covers one CONUS RASM, but the AFM II West area of responsibility consists of essentially two-and-a-half RASMs, including OCONUS support.

AECOM FPR Past Performance Report at 9.

With regard to AECOM's CFT contract, the agency stated, among other things:

[This contract] is not deemed Relevant due to the limited number of OCONUS site locations, the lack of AS9110 certification and the magnitude and complexities that AFM II West requires. The AFM II West requirement encompasses over 1,000 various rotary wing aircraft whereas [the CFT contract] is for the maintenance of a total of 288 various rotary wing aircraft. The contract period of performance for [the CFT contract] is 3 years valued at \$28 [million], but the AFM II West requirement includes a 12-month base and 7 [option years], as well as a considerably higher proposed cost.

Id. at 10.

AECOM protests that the agency's past performance evaluation was flawed because the agency determined that two of DynCorp's contracts were more relevant than AECOM's prior contracts; AECOM maintains that the two offerors' relevancy ratings should have been "equivalent." Protest at 28. Among other things, AECOM asserts that its RASM-C contract (valued at \$82 million) "has at least an equivalent magnitude of effort to DynCorp's RASM-W contract" (valued at \$395 million).<sup>21</sup> Id. at 29. Although

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<sup>21</sup> AECOM also complains that the agency improperly referenced the length of the offerors' performance periods in making its relevancy determinations. In this regard AECOM refers to a solicitation provision that stated: "[d]ata used in conducting performance risk assessments shall not extend past three years prior to the issue date of the solicitation, but may include performance data generated during the past three years without regard to the contract award date." RFP § M at 4. Because the agency recognized that some of the offerors' prior performance periods extended more than three years prior to the date the solicitation was issued, AECOM asserts that the agency's past performance evaluation was flawed. The agency maintains that this solicitation provision did not preclude its recognition of the lengths of the offerors' prior performance periods. Supp. COS/MOL at 9. Where a protester and agency disagree over the meaning of solicitation language, we will resolve the matter by reading the solicitation as a whole. See, e.g., Alluviam LLC, B-297280, Dec. 15, 2005, 2005 CPD ¶ 223 at 2. Here, reading the solicitation in its entirety, we view this provision as precluding consideration of data regarding the substance/quality of the offeror's performance that occurred more than three years prior to issuance of the solicitation.

(continued...)

AECOM does not challenge the agency's determination that the quality of DynCorp's prior performance was superior to AECOM's, it argues that the alleged flaws regarding the agency's relevance assessments render invalid the overall past performance confidence rating and the source selection decision. Protester's Supp. Comments, Aug. 5, 2019, at 10-12.

The agency responds by first pointing out that the solicitation clearly advised offerors that the agency would assess the degree of relevance reflected in each offeror's prior efforts, and identified multiple considerations, including similarity of services, complexity, and dollar value. See RFP § M at 4-5. With regard to AECOM's assertions that the relevancy of its past performance should have been considered "equivalent" to that of DynCorp, the agency maintains that its evaluation was both reasonable and in accordance with the terms of the solicitation, referencing the multiple discriminators reflected in the contemporaneous evaluation record, including the magnitude of the two offerors' prior contracts. COS/MOL at 24-34; Supp. COS/MOL at 8-10.

Our Office will examine an agency's evaluation of an offeror's past performance only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations, since determining the relative merit of an offeror's past performance is primarily a matter within the agency's discretion. American Env'tl. Servs., Inc., B-406952.2, B-406952.3, Oct. 11, 2012, 2013 CPD ¶ 90 at 5; AT&T Gov't Sols., Inc., B-406926 et al., Oct. 2, 2012, 2013 CPD ¶ 88 at 15. The evaluation of past performance, by its very nature, is subjective, and we will not substitute our judgment for reasonably based evaluation ratings; an offeror's disagreement with an agency's evaluation judgments, by itself, does not demonstrate that those judgments are unreasonable. American Env'tl. Servs., Inc., supra; Short & Assocs., B-406799, B-406799.4, Aug. 31, 2012, 2012 CPD ¶ 251 at 4.

Here, we find no basis to question the agency's past performance evaluation of either offeror. As noted above, the solicitation expressly advised offerors that the agency would perform subjective assessments of their past performance efforts, taking into consideration multiple aspects of that performance including similarity of services, complexity, and dollar value. As discussed above, DynCorp's prior performance included performance within the two largest regions of the predecessor AFM I contracts, and included geographic areas "spanning three continents," similar to the geographic area contemplated by the RFP at issue here. Further, the dollar values of DynCorp's prior contracts are several times higher than the dollar values of AECOM's prior contracts. On this record, we reject AECOM's assertion that the agency was required to assess the relevance of AECOM's prior performance as equivalent to that of DynCorp.

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(...continued)

However, based on our review of the entire record, even if we accepted AECOM's interpretation of the solicitation language, we would decline to sustain the protest. As discussed above, the multiple discriminators the agency considered in making relevancy assessments reasonably support the agency's past performance evaluation.

We have considered all of AECOM's various complaints regarding the agency's past performance evaluation and find no basis to sustain the protest.

#### Best-Value Tradeoff Decision

Finally, AECOM contends that the agency's best-value decision was defective because it was based on alleged evaluation errors. Protest at 36; Comments and Supp. Protest, July 19, 2019, at 1-2; Protester's Supp. Comments, Aug. 5, 2019, at 1-2. Based on our review of the record, and as discussed above, we conclude that the agency's evaluation and source selection decision were reasonable and in accordance with the terms of the solicitation. Here, the record shows that the SSA provided a well-reasoned basis for a tradeoff that identified discriminators between the proposals and justified paying DynCorp's higher price. See AR, Tab 4, SSDD at 8-14. As such, this allegation is also denied. Laboratory Corp. of America, B-414896.3, B-414896.4, July 13, 2018, 2018 CPD ¶ 264 at 12-13 (agency's best-value tradeoff decision is unobjectionable where all of the protester's evaluation challenges are denied).

The protest is denied.

Thomas H. Armstrong  
General Counsel