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# Decision

**Matter of:** Candor Solutions, LLC

**File:** B-417950.5; B-417950.6

**Date:** May 10, 2021

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## DIGEST

Protest challenging agency's selection of a higher-rated, higher-priced proposal is denied because the record reflects the agency evaluated proposals reasonably and in a non-disparate manner, and that the evaluations and source selection decision were consistent with the solicitation.

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## DECISION

Candor Solutions, LLC, a small business of McLean, Virginia, protests the issuance of a task order to Systems Plus, Inc., a small business of Rockville, Maryland, under request for proposals (RFP) No. 19FS1A19R0001, issued by the Department of State for information technology (IT) support services. The protester challenges multiple aspects of the agency's evaluation of proposals and source selection decision.

We deny the protest.

## BACKGROUND

On May 6, 2019, pursuant to the provisions of Federal Acquisition Regulation (FAR) subpart 16.5, the Department of State's Foreign Service Institute (FSI) issued the solicitation to small business holders of the National Institutes of Health Information Technology Acquisition and Assessment Center Chief Information Officer Solutions and Partners 3 indefinite-delivery, indefinite-quantity (IDIQ) contracts. Agency Report (AR), Tab 2, Contracting Officer's Statement (COS) at 1. The solicitation sought proposals for an array of IT support and instructional systems design and development services to

multiple FSI subcomponents to assist FSI in fulfilling its mission as the training bureau for the Department of State and the wider federal government foreign affairs community.<sup>1</sup> AR, Tab 9, RFP amend. 1 at 1, 7-8. The solicitation contemplated award of a single labor hour task order for a 1-year base period and four 1-year option periods. *Id.* at 5.

The solicitation established that task order award would be made on a best-value tradeoff basis, considering six equally important non-price evaluation factors: (1) staffing capabilities; (2) employee development and compensation; (3) contractor experience and past performance; (4) project management; (5) technical approach; and (6) key personnel.<sup>2</sup> RFP at 132-137; Tab 14, RFP amend. 3 at 1. With respect to price, the solicitation provided that the agency would evaluate for reasonableness, balance, and to determine whether proposals reflected “a clear understanding of the requirements.” RFP at 138-139. The non-price evaluation factors, when combined, were significantly more important than price. *Id.* at 132.

The agency received nine timely proposals, including those submitted by Candor and Systems Plus. AR, Tab 33, Award Determination at 2. Based on evaluation of initial proposals, the agency established a competitive range of four proposals, including Candor’s. *Id.* at 2-3. A fifth offeror, Systems Plus, filed a protest with our Office challenging its exclusion from the competitive range. In response, the agency took corrective action and elected to include the firm in the competitive range. *Id.* at 3. As a result, we dismissed the protest as academic. *Systems Plus, Inc.*, B-417950, Sept. 30, 2019 (unpublished decision).

In September 2020, the agency selected Systems Plus for award, following notification of which Candor and two other unsuccessful offerors filed protests with our Office. AR, Tab 33, Award Determination at 3. In response to the three challenges to its award decision, the agency submitted notices of corrective action indicating it would reopen discussions, request and evaluate revised proposals, and make a new source selection decision. *Id.* As a result, we dismissed the three protests as academic. *SNAP, Inc.*,

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<sup>1</sup> Typically, firms that compete for task orders under IDIQ contracts are referred to as “vendors” submitting “quotations.” Here, the solicitation indicates it was issued as an RFP and refers to responding firms as both offerors and vendors and to submissions as proposals. See e.g., RFP at 1, 129, 134. The contemporaneous documentation in the record refers to “quotes,” proposals, and offerors. See e.g., AR, Tab 33, Award Determination at 2-3. Similarly, the parties’ filings refer to both quotations and proposals. See e.g., Protest at 1-2; AR, Tab 1, Memorandum of Law (MOL) at 1. For consistency, we refer to the firms that competed here only as offerors that submitted proposals for issuance of a task order.

<sup>2</sup> The solicitation established a seventh, optional, non-price evaluation factor to be utilized if the agency elected to have offerors make oral presentations, which it did not choose to do here. RFP at 137; AR, Tab 33, Award Determination at 9.

B-417950.2, Sept. 30, 2020 (unpublished decision); *Customer Value Partners, Inc.*, B-417950.3, Sept. 30, 2020 (unpublished decision); *Candor Solutions, LLC*, B-417950.4, Sept. 29, 2020 (unpublished decision).

The solicitation established six possible adjectival ratings for each non-price evaluation factor: (1) superior; (2) excellent; (3) acceptable; (4) fair; (5) poor; and (6) not addressed. RFP at 133-137. After reopening discussions, and receiving and evaluating new final revised proposals (FRPs), the evaluators assigned the following ratings to the protester and awardees' proposals:

	<b>Systems Plus (Awardee)</b>	<b>Candor Solutions (Protester)</b>
<b>Staffing Capabilities</b>	Excellent	Fair
<b>Employee Development and Compensation</b>	Acceptable	Fair
<b>Contractor Experience and Past Performance</b>	Acceptable	Acceptable
<b>Project Management</b>	Acceptable	Acceptable
<b>Technical Approach</b>	Acceptable	Acceptable
<b>Key Personnel</b>	Acceptable	Acceptable
<b>Price</b>	\$163,512,889	\$139,903,734

AR, Tab 32, Technical Evaluation Team (TET) Report at 2; Tab 33, Award Determination at 9-10, 23-24, 30.

After conducting a factor-by-factor comparison of the proposals and a price/technical tradeoff analysis, the source selection authority (SSA) concluded that Systems Plus offered “significantly better value” under the staffing capabilities and employee development and compensation factors, and “better value” under the project management and technical approach factors. AR, Tab 33, Award Determination at 27-30. The SSA also found that the pricing proposed by Systems Plus was “accurate and reasonable,” even though it was higher than the independent government cost estimate and the price proposed by Candor. *Id.* at 30. The SSA deemed the approximately 15.5 percent price premium associated with Systems Plus’s proposal to be “in the best interest of the [g]overnment,” and selected Systems Plus for award. *Id.* at 30-31. After receiving a debriefing, Candor filed this protest with our Office.<sup>3</sup> AR, Tab 28, Debriefing.

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<sup>3</sup> The value of the protested task order exceeds \$10 million. Accordingly, this protest is within our jurisdiction to hear protests of task orders placed under civilian agency IDIQ contracts. 41 U.S.C. § 4106(f)(B)(2).

## DISCUSSION

Candor raises numerous challenges to the agency's evaluation of proposals and resulting source selection decision. Candor takes issue with the evaluators' assessment of weaknesses and non-assessment of strengths in the firm's proposal, maintains that the evaluation of proposals was disparate, and argues that the agency failed to adhere to the definitions set forth in the solicitation when assigning adjectival ratings. Additionally, Candor challenges the agency's evaluation of both its own and the awardee's proposal under the past performance factor. Finally, Candor contends that the agency made an unreasonable best-value tradeoff decision, as a result of the allegedly flawed and disparate underlying evaluation. For the reasons explained below, we deny Candor's protest.<sup>4</sup>

### Technical Evaluation

The evaluators assessed five weaknesses in Candor's proposal--one under the staffing capabilities factor and two each under the employee development and compensation and project management factors. AR, Tab 32, TET Report at 5-7. Candor challenges the assessment of each of these weaknesses, arguing that the agency unreasonably ignored information in the firm's proposal. Protest at 12-17; Comments at 1-5, 7-10. In the alternative, Candor argues that if its proposal merited the assessment of these weaknesses then Systems Plus's similarly deficient proposal merited assessment of the same weaknesses. Supp. Protest at 4-7; Supp. Comments at 5-8. Candor further contends that the agency failed to assess multiple strengths in the firm's proposal both on its own merit and for features identical to those assessed as strengths in Systems Plus's proposal. Protest at 17; Comments at 10; Supp. Protest at 2-5; Supp. Comments at 2-5.

The agency responds that it reasonably evaluated proposals in a manner consistent with the solicitation's evaluation criteria, and that the differences in evaluations stemmed from differences in the proposals. See *generally*, MOL; AR, Tab 3, TET Statement; Tab 29, Supp. MOL; Tab 30, Supp. TET Statement. Below, we address a representative sampling of Candor's disparate treatment and evaluation arguments

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<sup>4</sup> Candor also initially argued that: (1) Systems Plus's alleged lack of experience should have resulted in its proposal receiving lower ratings under the staffing capabilities and key personnel factors; (2) Systems Plus engaged in a "bait and switch" with respect to one of its proposed key personnel; and (3) the agency applied unstated evaluation criteria in assessing a weakness in Candor's proposal under the employee development and compensation factor. Protest at 21-23. In its report to our Office responding to the protest, the agency specifically responded to these arguments. MOL at 28-34; AR, Tab 3, TET Statement at 18-24. In its comments on the agency report, the protester failed to rebut or otherwise address the agency's responses. Accordingly, we consider these arguments to have been abandoned and will not address them further. *Quantech Servs., Inc.*, B-417347, B-417347.2, May 29, 2019, 2019 CPD ¶ 203 at 6.

under the two evaluation factors for which the evaluators assigned Candor's proposal its lowest ratings--the staffing capabilities factor, and the employee development and compensation factor. Although we do not specifically address all of Candor's challenges, we have reviewed them all and conclude that none provides a basis to sustain the protest.

When 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. *Cognosante MVH, LLC*, B-418986 *et al.*, Nov. 13, 2020, 2021 CPD ¶ 3 at 4. Rather we will review the record to determine whether the agency's evaluation was reasonable and consistent with the solicitation's evaluation criteria and with applicable procurement statutes and regulations. *Id.*; *Quantech Servs., Inc.*, *supra* at 7. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Id.*; *PricewaterhouseCoopers Public Sector, LLP*, B-415504, B-415504.2, Jan. 18, 2018, 2018 CPD ¶ 35 at 6.

In conducting procurements, agencies must even-handedly evaluate proposals against common requirements and evaluation criteria. *Battelle Memorial Inst.*, B-418047.5, B-418047.6, Nov. 18, 2020, 2020 CPD ¶ 369 at 6. When a protester alleges disparate treatment in a technical evaluation, it must show that the differences in ratings did not stem from differences between the proposals. *Id.*; *IndraSoft, Inc.*, B-414026, B-414026.2, Jan. 23, 2017, 2017 CPD ¶ 30 at 10.

### Staffing Capabilities

Candor contends that its proposal should have been assessed the same strengths the evaluators assessed in Systems Plus's proposal under the staffing capabilities factor for candidate vetting, maintaining a candidate pipeline, and utilizing a "[DELETED]" approach for selecting [DELETED] for a particular position. Supp. Protest at 2-5. In response, the agency explains that both Candor and Systems Plus proposed comparable procedures, tools, and approaches, but Systems Plus's provided a more robust explanation of how it would apply them, resulting in strengths being assessed in Systems Plus's proposal that Candor's proposal did not merit. AR, Tab 30, Supp. TET Statement at 1-14. As a representative example, we discuss Candor's argument related to maintaining a candidate pipeline.

The solicitation required the successful contractor to provide all personnel and supervision necessary to perform the required IT support and instructional systems design and development services. RFP at 7. In addition to minimum requirements for 2 key personnel positions, the solicitation provided position descriptions for an estimated 159 non-key personnel in a variety of labor categories, which the agency estimated would be needed to perform the solicited requirements. *Id.* at 8-10, 18-57. Under the staffing capabilities factor, the solicitation established that the agency would "evaluate the offeror's recruitment policies for obtaining and retaining personnel with the education, experience, technical expertise, and security clearances contained in the

position descriptions and requirements stated in the PWS [Performance Work Statement].” *Id.* at 133. The solicitation further advised that the evaluation would “cover the procedures, tools, and approaches used by the offeror to rapidly fill positions listed in the solicitation with valid candidates.” *Id.*

The record reflects that the evaluators assessed a strength in Systems Plus’s proposal because the firm “demonstrate[d] a good and realistic approach to maintaining a decent pipeline of new staffing to backfill open positions.” AR, Tab 32, TET Report at 2. The evaluators noted that Systems Plus did “not rely on large databases maintained by other companies, but rather relies on [DELETED].” *Id.* Candor argues that it also proposed “[DELETED],” and that the agency evaluated in a disparate manner by assessing a strength in only Systems Plus’s proposal for this feature. Supp. Protest at 3.

The agency explains that the TET found that “Candor and Systems Plus both demonstrated a [proactive] recruiting pipeline approach that involved [DELETED].” AR, Tab 30, Supp. TET Statement at 9. The agency points to provisions in Systems Plus’s proposal indicating that the firm would be “proactive about backfilling talent to minimize risks to the program[,]” such as having [DELETED]. *Id.* at 8, *citing* AR, Tab 31, Systems Plus Proposal at 6.<sup>5</sup> The agency also notes Systems Plus’s approach of having a [DELETED]. *Id.* The agency acknowledges that Candor similarly proposed to maintain “a continuous pipeline of candidates” and to develop “a [DELETED]” of [DELETED]. *Id.* at 8-9, *citing* AR, Tab 18, Candor Proposal at 5, 21.<sup>6</sup>

The agency clarifies that this is where the similarity in the two proposals ends, however, and that Systems Plus’s proposal included additional “explanations and features that the TET found to be a strength, providing particular benefit in meeting the government requirement to rapidly fill positions.” AR, Tab 30, Supp. TET Statement at 9. The agency points to excerpts from Systems Plus’s proposal in which it “provided [a] very clear and specific explanation as to how their tools, procedures, and approach would be applied.” *Id.* at 10. The TET found Systems Plus’s “explanation of *how* the [DELETED] to serve urgent staffing requests to offer benefit to the government.” *Id.*

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<sup>5</sup> The TET cites to AR Tab 23 at page 21, rather than to Tab 31 at page 6. Both tabs include Systems Plus’s proposal; Tab 23 includes the proposal as it was produced, with heavy redactions, in the initial AR, while Tab 30 includes the proposal as it was later produced in the supplemental AR with less redactions. Further, the TET’s citations are to the pagination of the Adobe PDF document, rather than to the proposal’s internal pagination. Citations in this decision are to the more fulsome, later-produced version of the proposal included at Tab 31, and utilize the proposal’s internal pagination.

<sup>6</sup> The TET cites to pages 19 and 35, rather than to pages 5 and 21. The TET’s citation utilize the pagination of the Microsoft Word document, rather than the proposal’s internal pagination. Citations in this decision utilize the proposal’s internal pagination.

In contrast, the TET found that “Candor referenced similar tools and processes, but did not elaborate on how these tools would work together or how their approach would benefit the government beyond meeting the requirement.” AR, Tab 30, Supp. TET Statement at 10. The agency explains that Candor’s proposal indicated “that their process was executed by 100+ recruiters and multiple recruiting managers,” but “there was no description of how those personnel worked together as a candidate moved through the process.” *Id.* Further, Candor mentioned its candidate tracking tool, but did not provide a “description of how that tracking system fit into the process.” *Id.* at 10-11.

Based on our review of the record, we find the agency’s evaluation to be unobjectionable. While the differences between the firms’ proposals with respect to candidate pipelines are not stark ones, the proposals are neither exactly the same, nor substantially similar, as Candor argues. Accordingly, we conclude that the agency did not evaluate in a disparate manner.<sup>7</sup> See *CSRA LLC*, B-417635 *et al.*, Sept. 11, 2019, 2019 CPD ¶ 341 at 11.

### Employee Development and Compensation

Candor challenges the evaluators’ assessment of a weakness in its proposal for failing to explain how its proposed compensation is consistent with the duties for each labor category, rather than being based mostly on historic compensation rates for the positions. Protest at 14-15. Alternatively, Candor argues that if its proposal merited assessment of a weakness for its proposed compensation hewing too closely to historic labor rates, then Systems Plus’s proposal merited the same weakness. Supp. Protest at 6-7. We first address the reasonableness of the weakness assessed in Candor’s proposal before turning to a discussion of Candor’s allegation of disparate evaluation.

Under the employee development and compensation factor, the solicitation established that the agency would “evaluate the offeror’s plans and procedures to successfully influence recruiting and foster retention of employees throughout the life of the contract. . . .” RFP at 134. The solicitation advised that the evaluation would include an

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<sup>7</sup> Candor contends that the agency’s explanations constitute *post hoc* rationalizations not documented in the evaluation record. Supp. Comments at 1, 4. Agencies are not required, however, to document every aspect of their evaluations or to explain why a proposal did not receive a strength for a particular feature. *Sterling Med. Assocs., Inc.*, B-418674, B-418674.2, July 23, 2020, 2020 CPD ¶ 255 at 8. Moreover, our decisions consistently have explained that we will not limit our review to contemporaneous evidence, but also will consider post-protest explanations that provide a detailed rationale for contemporaneous conclusions, and simply fill in previously unrecorded details, when those explanations are credible and consistent with the contemporaneous record. *ERC, Inc.*, B-407297, B-407297.2, Nov. 19, 2012, 2012 CPD ¶ 321 at 9. Here, we find the agency’s post-protest explanations both credible and consistent with the contemporaneous record.

examination of how an offeror's proposed compensation was "consistent with and appropriate to the employee responsibilities and duties (skill level, requirements, etc.) for each labor category." *Id.*

The record reflects that the evaluators assessed a weakness in Candor's proposal because the firm "did not clearly address how the proposed compensation is consistent with and appropriate to the employee responsibilities and duties for each labor category." AR, Tab 32, TET Report at 6. The evaluators noted that Candor's "proposed approach seems very heavily grounded to historic FSI compensation and an unclear interpretation of responsibilities and duties 'in the FSI culture.'" *Id.* The evaluators further explained that "[h]ad FSI wished to tie compensation so closely to 'FSI norms,' it would have provided all offerors FSI data and would have stipulated the requirement within the FSI context."<sup>8</sup> *Id.* Rather, the intent of the solicitation requirement was for the agency to gain an understanding of an offeror's proposed compensation "as it compares to the qualifications described in the position descriptions" set forth in the solicitation. *Id.* The evaluators concluded that Candor's narrative failed to provide such an explanation. *Id.*

Candor contends that the evaluators "flatly ignored" the firm's proposal, which it maintains "stated explicitly that it was not relying entirely on FSI norms," but used a four-pronged approach to develop the proposed compensation plan. Protest at 14. Specifically, Candor's proposal provided that "Team Candor evaluates data with a four point 'checks and balances' system to ensure that compensation (salary, benefits, bonuses, leave, etc.) is consistent and appropriate to the expected responsibilities and duties of each labor category specific to FSI[.]" AR, Tab 18, Candor Proposal at 29.

Candor's proposal listed its four-pronged approach as consisting of: (1) evaluation against historic and current salaries for labor categories within FSI; (2) evaluation against salaries offered for similar jobs in the Washington, D.C. metropolitan area; (3) evaluation against third-party salary information from the Economic Research Institute; and (4) evaluation against Candor's own "knowledge of the role each labor category/position fulfills within the specific FSI work culture." *Id.* at 29-30.

The agency explains that the TET found Candor's proposed use of salary data from the Economic Research Institute "to be a reasonable indicator of salary rates. . . ." AR, Tab 3, TET Statement at 5. The agency represents, however, that Candor's proposal was unclear as to how the firm would use this national data to derive a compensation plan specific to the Washington, D.C. metropolitan area. *Id.* The agency also notes that two of the four prongs of Candor's proposed approach "referenced historic and current salaries within FSI or labor category/position[s] within the specific FSI work culture." *Id.* The TET was unclear as to how Candor was utilizing this historical salary information to

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<sup>8</sup> Candor's proposed subcontractor, [DELETED], was the incumbent contractor on two prior contracts "that encompassed a significant portions of the [solicitation's] anticipated work." Protest at 2.

create its compensation plan, “particularly for position descriptions that were adjusted in responsibilities,” or “that are new to FSI entirely.” *Id.* at 5-6.

It is an offeror’s responsibility to submit a well-written proposal, with adequately detailed information, which clearly demonstrates compliance with the solicitation requirements and allows for a meaningful review by the procuring agency. *InnovaSystems Int’l, LLC, B-417215 et al.*, Apr. 3, 2019, 2019 CPD ¶ 159 at 6. Agencies are not required to infer information from an inadequately detailed proposal, or to supply information that the protester elected not to provide. *Id.* Based on our review of the record, we find no basis to question the evaluators’ conclusion that Candor failed to provide a clear explanation of how its proposed compensation aligned with the duties of the required labor categories, and, instead, relied too heavily on historic compensation rates.

We also find unavailing Candor’s allegation of disparate treatment related to offerors’ utilization of historic compensation rates in developing their compensation plans. Candor contends that Systems Plus’s proposal “made clear that it also used incumbent salaries and data as the starting point for its compensation approach.” Supp. Protest at 7. Candor argues that if its “proposal warranted a weakness because it hewed to incumbent salaries, then so too did [Systems Plus’s proposal].” *Id.* Candor maintains that the evaluators’ failure to assess the same weakness in Systems Plus’s proposal evidences disparate treatment. *Id.* at 6-7.

The agency responds that “[w]hile both proposals mention incumbent compensation, the two proposals are substantively different in the degree to which they incorporate the incumbent compensation information in their approach to determining their proposed compensation levels.” AR, Tab 30, Supp. TET Statement at 23. The agency points to provisions in Systems Plus’s proposal explaining that the firm “[DELETED].” *Id.* at 23-26, *citing* AR, Tab 31, Systems Plus Proposal at 21. The agency explains that Systems Plus’s proposal demonstrated that its approach “starts with the [DELETED],” and does not use the incumbent salaries as a starting point, as alleged by Candor. AR, Tab 30, Supp. TET Statement at 26. Based on our review of the record, we find reasonable the agency’s assessment that Systems Plus’s proposal did not merit the same weakness as Candor’s for relying too heavily on historical rates in establishing a compensation plan.

### Adjectival Ratings

In addition to challenging the evaluators’ assessment of weaknesses in the firm’s proposal, Candor argues that, even if the evaluated weaknesses stand, the firm’s proposal merited higher adjectival ratings based on the definitions set forth in the solicitation. Protest at 23-24; Comments at 5-6. As noted above, the evaluators assigned a rating of fair to Candor’s proposal under both the staffing capabilities and employee development and compensation factors. Candor maintains that even with one and two weaknesses under these factors, respectively, its proposal merited ratings of at least acceptable. *Id.*

As relevant here, the solicitation defined a rating of fair as indicating that a “[p]roposal demonstrates shallow understanding of requirements and approach” and “could be made acceptable, if minor changes are added/corrected.” RFP at 133. The solicitation defined a rating of acceptable as indicating that a “[p]roposal demonstrates acceptable understanding of requirements and has an approach that meets performance/capability standards,” and offered “an acceptable solution” with “few or no additional strengths that will benefit the [g]overnment.” *Id.*

As additional support for its argument, Candor points to the reduction in the number of weaknesses assessed in its proposal from the agency’s original evaluation to its evaluation following implementation of corrective action, which included reopening discussions and receiving and evaluating new FRPs. Specifically, Candor argues it was unreasonable for its rating not to improve from fair to acceptable given that, after discussions and reevaluation, the evaluators assessed a total of five fewer weaknesses in the firm’s proposal under the staffing capabilities and employee development and compensation factors. Protest at 23-24; Comments at 5-6.

The agency responds that the evaluators “did not merely count the number of weaknesses to determine the final adjectival rating.” AR, Tab 3, TET Statement at 25. Rather, “[t]he final adjectival rating was a qualitative assessment based on the proposal’s demonstrated understanding of the solicitation requirement and the degree of risk introduced by weaknesses or benefit introduced by strengths.” *Id.* The agency explained that “even if a weakness was removed, the remaining weakness may still effect the rating negatively,” especially if the weakness introduced “a risk to the execution of services that the contract was expected to provide.” *Id.* The agency provides that because the TET found such weaknesses under the staffing capabilities and employee development and compensation factors, the evaluators assigned Candor’s proposal a rating of fair under both factors. *Id.* at 25-26.

As a general matter, the details of a corrective action are within the sound discretion and judgment of the contracting agency. *All Points Logistics, Inc.*, B-407273.53, June 10, 2014, 2014 CPD ¶ 174 at 10 n.11. The fact that a reevaluation varies, or does not vary, from an original evaluation does not constitute evidence that the reevaluation was unreasonable. *Id.* at 8. Nor are the evaluation of and ratings assigned to Candor’s proposal under its original evaluation relevant to the reevaluation of the firm’s proposal here. In this regard, the mere fact that the agency identified fewer weaknesses in the proposal for the first time during its reevaluation does not require the agency to assign the proposal a higher rating than assigned during its original evaluation. See *e.g., id.* at 9 (denying protest that agency erred in not assigning a higher rating to the protester’s proposal when it identified strengths in the proposal for the first time during its reevaluation). The overriding concern is not whether the final ratings are consistent with earlier ratings, but whether they reasonably reflect the relative merits of proposals. See *Domain Name Alliance Registry*, B-310803.2, Aug. 18, 2008, 2008 CPD ¶ 168 at 11 (denying protest that agency reevaluation and technical ratings were unreasonable).

because agency did not explain why evaluations differed between the initial evaluation and reevaluation undertaken during corrective action).

Moreover, our Office repeatedly has rejected protest arguments that essentially seek a mathematical or mechanical consideration of the number of weaknesses assessed in an offer. *PricewaterhouseCoopers Public Sector, LLP, supra* at 7. Rather, the essence of an agency's evaluation is reflected in the evaluation record itself, not the adjectival ratings, and the relevant question is whether the record shows that the agency fully considered the actual qualitative differences in offerors' proposals. *Id.* Further, as we have consistently noted, the ratings assigned to a proposal, be they numeric or adjectival, are merely guides for intelligent decision making. *Metis Solutions, LLC, et al., B-411173.2 et al., July 20, 2015, 2015 CPD ¶ 221* at 13. The ratings assigned largely are immaterial, provided that the evaluators and source selection officials have considered the underlying bases for the ratings, including the specific advantages and disadvantages associated with the content of the proposals. *Advantage Tech., Inc., B-414974, B-414974.2, Oct. 27, 2017, 2017 CPD ¶ 340* at 4.

As discussed above, the record here shows that the evaluators and SSA gave detailed consideration to the content of Candor's proposal and sufficiently documented their findings. The record reflects that under both the staffing capabilities and employee development and compensation factors the evaluators found that the impact of the assessed weakness or weaknesses, respectively, outweighed the impact of assessed strengths, contributing to the assignment of a rating of fair under both factors because Candor's proposal demonstrated a shallow understanding of the requirements. AR, Tab 32, TET Report at 5. Accordingly, we find unavailing Candor's disagreement with the adjectival ratings assigned to its proposal. See e.g., *Advantage Tech., Inc., supra* at 4 (finding that when the record reflected the evaluators sufficiently considered the content of the protester's proposal "the assignment of one adjectival rating versus another largely was immaterial," because the agency's evaluation accurately reflected the merits of the protester's proposal).

#### Past Performance Evaluation

Candor challenges the agency's evaluation of past performance, arguing that Systems Plus's proposal should have received a lower rating, and the firm's own proposal should have received a higher rating. Protest at 17-20. Candor maintains that its past performance references were clearly superior to Systems Plus's references, yet the agency unreasonably assigned the two proposals the same rating of acceptable. Comments at 6-7. The agency responds that the record evidences a reasonable past performance evaluation, and that Candor's arguments are "nothing more than mere disagreement with the" agency's evaluation conclusions. MOL at 26, 28.

When a protester challenges an agency's evaluation of past performance, we will review the evaluation to determine if it was reasonable and consistent with the solicitation's evaluation criteria and with procurement statutes and regulations. *All Points Logistics, Inc., supra* at 10-11. An agency's evaluation of past performance,

including its consideration of the relevance, scope, and significance of an offeror's performance history, is a matter of discretion that we will not disturb unless the agency's assessments are unreasonable or inconsistent with the solicitation criteria.

*PricewaterhouseCoopers Public Sector, LLP, supra* at 10. A protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. *Sterling Med. Assocs., Inc., supra* at 8.

Here, the solicitation required offerors to identify at least three, and not more than five, contract references performed within the past five years for "the type of services presented in the solicitation with similar size, scope and complexity." RFP at 130. The solicitation provided that to be selected for award an offeror "must have proven experience providing" the required IT support and instructional systems design and development services. *Id.* at 134. The solicitation allowed offerors to submit contract references for both the prime and its proposed subcontractor(s), but required that a majority of the submitted references be for the prime contractor. *Id.*

In challenging the agency's evaluation of System Plus's past performance, Candor contends that neither Systems Plus nor any of its teammates have experience of a similar size. Protest at 17. Candor maintains that "[a]ll publicly available information demonstrates that [Systems Plus] is a small business without experience in contracts of this size, scope, and complexity," and that its maximum credit recommendation on Dun & Bradstreet is only \$180,000.<sup>9</sup> *Id.* Candor argues that Systems Plus's "lack of experience did not merit an acceptable rating," and that because the firm has "no understanding or experience with the requirements" Systems Plus "could only have received a poor rating" under the contractor experience and past performance factor. *Id.* at 18.

Contrary to Candor's assertions, the record reflects that Systems Plus submitted five contract references in its proposal, and that the evaluators considered two of the references to be comparable in size to the solicited effort. AR, Tab 31, Systems Plus Proposal at A-1 to A-2; Tab 32, TET Report at 3. Specifically, the evaluators considered one of Systems Plus's references to be of comparable size because it

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<sup>9</sup> Dun & Bradstreet is an independent reporting service that makes its reports available to the public for evaluating the financial positions of companies. *Rotech Healthcare, Inc.*, B-409020, B-409020.2, Jan. 10, 2014, 2014 CPD ¶ 28 at 3 n.2. To the extent Candor contends that the agency should have found Systems Plus to be nonresponsible, we decline to consider such allegation further as the determination of a prospective contractor's responsibility rests within the broad discretion of the contracting officer. *Kiewit Infrastructure West Co.*, B-415421, B-415421.2, Dec. 28, 2017, 2018 CPD ¶ 55 at 9. While we may review allegations that identify evidence raising serious concerns that, in reaching a particular responsibility determination, the contracting officer unreasonably failed to consider available relevant information or otherwise violated statute or regulation, such circumstances are not present here. *Id.*; 4 C.F.R. § 21.5(c).

involved provision of 160 employees, as compared to the 159 non-key personnel estimated by the solicitation here.<sup>10</sup> AR, Tab 32, TET Report at 3; see RFP at 18-57. The evaluators considered a second reference provided by Systems Plus to be of comparable size because the contract was valued at approximately \$19 million per year, as compared to an estimated annual value of \$25 million for the task order at issue here. AR, Tab 32, TET Report at 3. The evaluators further assessed two of Systems Plus's contract references as providing comparable scope and complexity to the tasks required to be performed in support of the agency's educational delivery systems and training management systems subcomponents, and one reference as providing comparable scope and complexity to the tasks required to be performed in support of the agency's IT program coordination unit. *Id.*; see RFP at 7.

In its comments on the agency report, Candor did not rebut or otherwise address the agency's response that it reasonably concluded Systems Plus submitted references comparable in scope and complexity to the task areas required to be performed under the solicitation. See Comments at 7. In fact, Candor acknowledges that Systems Plus's proposal reflects experience with a different federal agency similar to that required here for the IT program coordination unit. *Id.* Candor also did not rebut or otherwise address the agency's response that it reasonably found one of Systems Plus's references to be of comparable size because it involved the provision of 160 employees. *Id.* Accordingly, we have no basis to conclude that the agency's position with respect to the evaluation conclusions in question is unreasonable or improper. *Quantech Servs., Inc., supra* at 6.

Candor continues to challenge the evaluators' conclusion that one of Systems Plus's references was of comparable size because it had an annual value of approximately \$19 million. Comments at 7. Candor contends that "\$19 million is only 76% of the estimated annual value, which cannot reasonably be considered to be 'comparable.'" While Candor expresses its disagreement with the agency's conclusion that a contract of roughly three-quarters the size of the solicited effort is comparable, this disagreement, without more, is insufficient to establish that the agency's conclusion was unreasonable. Based on the record here, we find that the agency reasonably assessed the relevancy of Systems Plus's past performance and assigned the firm's proposal a rating of acceptable.<sup>11</sup>

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<sup>10</sup> The record reflects that the evaluators compared offerors' contract references to an estimated requirement for 156 employees, rather than 159 as set forth in the solicitation. AR, Tab 32, TET Report at 3, 6; RFP at 18-57. Given the closeness of the two figures, this apparent discrepancy does not provide a reason for us to question the reasonableness of the agency's evaluation.

<sup>11</sup> Were we to conclude that the agency unreasonably evaluated, as comparable in size, System Plus's \$19 million contract reference, the firm would still have been evaluated as having one reference of comparable size, which is the same number of comparable size references the evaluators found Candor to have submitted. See AR, Tab 32, TET Report at 3, 6. Candor does not challenge the evaluators' assessment that only one of

With respect to Candor's own past performance evaluation, the record reflects that the firm submitted five contract references in its proposal--two for its proposed subcontractor's work on incumbent contracts with the procuring agency, and three for one of the members of the unpopulated joint venture acting as a prime contractor performing work for other federal agencies. AR, Tab 18, Candor Proposal at x, 37-38, 109-146.

The evaluators considered one of Candor's references to be of comparable size because it involved the provision of over 240 employees and had an annual value of approximately \$27 million. AR, Tab 32, TET Report at 6. The evaluators also found that Candor submitted two references comparable in scope and complexity to the tasks required to be performed in support of the agency's educational delivery systems and training management systems subcomponents; two references comparable to the tasks for the agency's IT program coordination unit; and two references comparable to the tasks for the agency's digital learning division. *Id.* at 6-7; see RFP at 7. Based on the submitted references, the evaluators concluded that Candor's proposal met the requirements and assigned a rating of acceptable under the contractor experience and past performance factor. AR, Tab 32, TET Report at 6.

Candor also argues that the evaluators should have assessed one or more strengths in the firm's proposal and assigned it a rating of excellent. Protest at 20. In support of its argument, Candor represents that its proposed subcontractor has "extensive experience with these requirements," and that the two references submitted for the subcontractor "make up the vast majority of the work required under the [s]olicitation." *Id.* at 18. Candor states that no other offeror has experience with the agency's IT program coordination unit. Comments at 6. Candor also maintains that one of the contract references it submitted "covers the entire scope and complexity" of the solicitation's requirements. Protest at 18. Candor contends that "[n]o reasonable evaluation would have resulted in Candor's extensive experience with relevant work as offering not even a single strength," and meriting a rating of only acceptable. *Id.* at 20; see also Comments at 6.

As an initial matter, we note that Candor's proposed subcontractor is one of five firms currently performing the myriad number of tasks required by the solicitation. See AR, Tab 12, RFP Questions & Answers Question 13 at 3. With respect to the tasks specific to the agency's IT program coordination unit, Candor's proposed subcontractor is one of

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the protester's contract references was of comparable size. Accordingly, even if we were to conclude--which we do not-- that the evaluators may have erred in considering a \$19 million effort to be comparable in size to a \$25 million effort, the record does not reflect that Candor was competitively prejudiced by such an error. See *Med Optical*, B-296231.2, B-296231.3, Sept. 7, 2005, 2005 CPD ¶ 169 at 4 ("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 award.").

two firms currently performing. MOL at 23. The record further reflects that Candor's proposed subcontractor "currently employs around 40% of the staff contemplated" by the solicitation, which is notably less than the "vast majority of the work required [by] the [s]olicitation," as represented by Candor in its protest. AR, Tab 18, Candor Proposal at 29; Protest at 18.

Moreover, Candor's apparent belief that its incumbency status entitles it to higher ratings or additional assessed strengths does not provide a basis for finding that the agency unreasonably evaluated past performance. *PricewaterhouseCoopers Public Sector, LLP, supra* at 7; *National Gov't Servs., Inc.*, B-412142, Dec. 30, 2015, 2016 CPD ¶ 8 at 15. There is no requirement that an incumbent be given extra credit for its status as an incumbent, or that an agency assign or reserve the highest rating for the incumbent offeror. *Id.*; *Sterling Med. Assocs., Inc., supra* at 7.

Here, the record reflects that the evaluators acknowledged that one of the contract references Candor submitted for its proposed subcontractor covered "the full scope and complexity" of the tasks required for the IT program coordination unit. AR, Tab 32, TET Report at 6. The evaluators also concluded that the second contract reference for Candor's proposed subcontractor involved "the exact scope" of work for the tasks required for the digital learning division. *Id.* at 7. The agency explains that the evaluators "did not find any strengths that exceeded the requirements of the solicitation," however, and assigned Candor's proposal a rating of acceptable. AR, Tab 3, TET Statement at 16. While Candor expresses its disbelief that the evaluators didn't assess a single strength for the firm's past performance, such disagreement, without more, is insufficient to establish that the agency's evaluation was unreasonable. Based on the record here, we find no basis to question the agency's evaluation of Candor's past performance.<sup>12</sup>  
Best-Value Tradeoff

Finally, Candor argues that the agency's best-value tradeoff decision was improper because it was based on a flawed and disparate technical evaluation, but does not contend that the best-value tradeoff analysis was flawed in any way separate from the

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<sup>12</sup> Candor similarly argues that the evaluators unreasonably failed to assess a strength in the firm's proposal under the key personnel factor because it proposed to employ the incumbent enterprise systems architect who "has been the key systems architect since the inception of the incumbent effort." Protest at 17; Comments at 10; see AR, Tab 18, Candor Proposal at 8 (including the referenced individual in a list of non-key personnel incumbent "senior staff" from whom Candor had obtained "pre-award commitment"). The evaluators assessed Candor's proposal as having no strengths or weaknesses under the key personnel factor, and assigned a rating of acceptable. AR, Tab 32, TET Report at 8. As discussed above, there is no requirement that an incumbent be given extra credit for its status as such. Accordingly, Candor's disagreement with the agency's conclusion that its proposal of an incumbent non-key person did not warrant assessment of a strength, without more, provides no basis for us to question the agency's evaluation.

alleged evaluation errors. Protest at 24-25; Comments at 11; Supp. Protest at 7-8; Supp. Comments at 8. This allegation is derivative of the protester's challenges to the agency's evaluation of proposals. As discussed above, we find no basis to object to the agency's evaluation of proposals. Accordingly, we dismiss this allegation because derivative allegations do not establish an independent bases of protest. *DirectViz Solutions, LLC*, B-417565.3, B-417565.4, Oct. 25, 2019, 2019 CPD ¶ 372 at 9; *Battelle Memorial Inst., supra* at 13.

The protest is denied.

Thomas H. Armstrong  
General Counsel