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Decision

Matter of: Battelle Memorial Institute

File: B-418047.5; B-418047.6

Date: November 18, 2020

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DIGEST

1. Protest that agency disparately evaluated proposals is denied because the record reflects that the differences in evaluations were a result of differences in proposals.
 2. Protest that agency failed to explain basis for a new weakness assessed in protester's proposal during reevaluation is denied because the agency's evaluation was reasonable and consistent with its prior evaluation.
 3. Protest that agency arbitrarily assigned point scores to offerors' proposals without explaining how the strengths and weaknesses assessed in the proposals translated into the assigned point scores is denied because the record reflects the agency undertook a detailed consideration of each strength and weakness assessed in offerors' proposals.
 4. Protest that the agency's best-value tradeoff ignored the relative importance of evaluation factors set forth in the solicitation is denied because the agency's source selection decision was reasonable and consistent with the solicitation.
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DECISION

Battelle Memorial Institute, of Columbus, Ohio, protests the issuance of a task order to CSRA, LLC, of Falls Church, Virginia, pursuant to request for proposals (RFP) No. 75D301-19-R-67964, issued by the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) for consultation, research, and

development activities in support of the agency's work to prevent and respond to national and international influenza epidemics and pandemics. The protester challenges numerous aspects of the CDC's evaluation of proposals and its source selection decision.

We deny the protest.

BACKGROUND

The CDC issued the solicitation on June 19, 2019, and revised it on November 4, pursuant to the fair opportunity source selection procedures of Federal Acquisition Regulation (FAR) subpart 16.5.¹ Agency Report (AR), Tab 14, RFP at 1, 72.² The solicitation sought proposals from holders of the General Services Administration's One Acquisition Solution for Integrated Services indefinite-delivery, indefinite-quantity (IDIQ) contracts for work in support of the National Center for Immunization and Respiratory Diseases (NCIRD), within the CDC's Infectious Diseases office. *Id.* at 5. Specifically, the solicitation sought proposals for "consultation, research and development activities for influenza diagnostics, vaccine development and effectiveness monitoring, antiviral development and effectiveness monitoring, epidemiology and surveillance, quality assurance/control methodologies, processes and procedures, laboratory standards development and technology transfer activities, and [to] provide support to partners to enhance [the CDC's] capabilities to prevent and respond to national and international influenza epidemics/pandemics." *Id.* at 7.

The solicitation contemplated issuance of a single time-and-materials task order for a 1-year base period with a one 1-year option period. RFP at 2-4, 69, 78. The solicitation provided that award would be made to the offeror whose proposal represented the best value to the government, and that award might be made to a higher-rated, higher-priced offeror if that offeror's approach "outweighs the price difference." *Id.* at 73, 78. The solicitation established the following five non-price evaluation factors and corresponding point values, which, when combined, total 100 points: (1) technical approach--40 points; (2) similar experience--20 points; (3) staffing plan--20 points; (4) management plan--10 points; and (5) transition plan--10 points. *Id.* at 74.

The solicitation provided that each of the five evaluation factors would be evaluated based on the extent an offeror's proposal reflected a clear understanding of the requirements. RFP at 74-77. Proposals also would be evaluated "on the soundness, practicality, and feasibility" of offerors' technical approaches, management plans,

¹ Although this is a task order competition under FAR part 16, the agency issued the solicitation as an RFP rather than a request for quotations and refers to the submissions of proposals from offerors instead of quotations from vendors. For consistency and ease of reference to the record, we do the same.

² Citations to the record utilize the uniform pagination applied by the CDC when it submitted its agency report to our Office.

transition approaches, and staffing plans, as well as “to determine appropriate experience of assigned personnel and” offerors. *Id.* In addition, the solicitation provided that the CDC would “evaluate the past performance of the offeror using PPIRS [Past Performance Information Retrieval System].” *Id.* at 79. For price, the solicitation provided that the CDC would calculate total evaluated prices, and check for completeness, reasonableness, and unbalanced pricing. *Id.* at 77-78. The solicitation further provided that a price realism analysis “may be conducted.” *Id.*

The CDC issued a task order to CSRA on September 19, and Battelle protested that award to our Office on September 27. AR, Tab 6, Award Decision at 1. In response, the CDC submitted a notice of corrective action, following which we dismissed Battelle’s first protest as academic. *Id.*; *Battelle Memorial Institute*, B-418047, B-418047.2, Oct. 22, 2019 (unpublished decision). Following dismissal of Battelle’s first protest, the CDC revised and reissued the solicitation to the three top-rated offerors, which included Battelle and CSRA. AR, Tab 6, Award Decision at 1; RFP at 1. The revised solicitation closed on November 18, and proposals were received from all three offerors. *Id.* On February 4, 2020, the CDC again issued a task order to CSRA, and, on February 10, Battelle filed a second protest challenging the award decision. AR, Tab 6, Award Decision at 4. On May 18, we sustained Battelle’s second protest. *Id.*; *Battelle Memorial Institute*, B-418047.3, B-418047.4, May 18, 2020, 2020 CPD ¶ 176.

In its second protest, Battelle challenged numerous aspects of the CDC’s evaluation and award decision. *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 4. Battelle argued that the CDC unreasonably evaluated both its own and CSRA’s proposals, engaged in disparate treatment, used a flawed methodology for assigning point scores, ignored the relative importance of the evaluation factors set forth in the solicitation, and failed to conduct a reasonable best-value tradeoff analysis. *Id.* Battelle contended that, as a result, the CDC improperly converted the procurement to one using a lowest-priced, technically acceptable award methodology. *Id.*

Our Office considered each of Battelle’s arguments, and found all but one of them to be without merit. *Battelle Memorial Institute*, B-418047.2, B-418047.4, *supra* at 4, 8. We concluded, however, that one of Battelle’s evaluation challenges did provide a basis to sustain the protest. *Id.* We found that the CDC erred by disparately evaluating Battelle and CSRAs’ proposals under the technical approach factor with respect to solicitation subtask 2.o.10, requiring the successful offeror to “[i]nvestigate the role of CD8 T-cells in influenza infection[.]” *Id.* at 6, *citing* RFP at 16. We further found that because the two proposals were separated by a price difference of less than two percent and the CDC considered them to be technically equivalent this single evaluation error was sufficient to establish a likelihood that Battelle suffered competitive prejudice as a result of the error. *Id.* at 8.

Following our decision sustaining Battelle’s second protest, the CDC reevaluated Battelle and CSRAs’ proposals under the technical approach factor and made a new source selection decision. AR, Tab 6, Award Decision at 4; Tab 12, Notice of Corrective Action. The CDC did not reevaluate proposals under the similar experience, staffing

plan, management plan, and transition plan factors. *Id.* at 5. The evaluation of offerors' proposals under these four factors remains unchanged from that which our Office considered and found no basis to question in our May 18 decision. AR, Tab 1, Combined Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 5-6; see *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 8. Based on the technical evaluation panel's (TEP) prior evaluation and limited reevaluation of proposals, the evaluators assigned the following point scores and ratings to Battelle and CSRA's proposals:

| | Battelle | CSRA |
|---|-----------------|-----------------|
| Technical Approach (40) ³ | 38.5 | 35.5 |
| Similar Experience (20) | 20 | 19.4 |
| Staffing Plan (20) | 16.8 | 18.3 |
| Management Plan (10) | 8.2 | 9.4 |
| Transition Plan (10) | 10 | 9 |
| TOTAL SCORE (100) | 93.5 | 91.6 |
| Rating | Acceptable | Acceptable |
| Price | \$23,669,403.03 | \$23,390,922.88 |

COS/MOL at 5-6; Tab 8, TEP Report at 2.

Under the technical approach evaluation factor, the TEP identified 13 strengths and 2 weaknesses in Battelle's proposal and 14 strengths and 4 weaknesses in CSRA's proposal, though it noted that each strength and weakness was not equal in point value. AR, Tab 7, TEP Recommendation at 1. The TEP's reevaluation resulted in Battelle's proposal receiving 96.3 percent of the maximum possible points under the technical approach evaluation factor, while CSRA's proposal received 88.8 percent. *Id.* at 2. The TEP "determined that the strengths and weaknesses identified in the reevaluation criteria of Battelle's Technical Approach may pose less risk of unsatisfactory task completion as compared to CSRA's proposal." *Id.* at 3. The TEP noted, however, that there were four other evaluation factors worth a total of 60 points, and that CSRA's proposal had received a higher percentage of those 60 possible points--93.5 percent compared to Battelle's 91.7 percent. *Id.* The TEP concluded that "[w]hen all of the scores are combined and strengths and weaknesses from the remaining evaluation criteria are considered, the relative risk of unsatisfactory task completion by CSRA is reduced and results in technically equivalent proposals for both CSRA and Battelle." *Id.* Based on the technical equivalency of the proposals, the TEP recommended CSRA's lower-priced proposal for award. *Id.* at 4-5.

³ The TEP's reevaluation of offerors' proposals under the technical approach factor resulted in the score assigned to Battelle's proposal decreasing from 38.6 to 38.5, and in the score assigned to CSRA's proposal increasing from 34.2 to 35.5. See *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 3.

The contracting officer, who was also the source selection authority (SSA), reviewed the evaluation findings and concurred with the TEP's recommendation to make award to CSRA. AR, Tab 6, Award Decision at 11-12. The CDC notified Battelle of its award decision on August 28, and, following a debriefing, Battelle filed its third protest with our Office.⁴ AR, Tab 4, Notice of Award and Debriefing Email Exchanges between Agency and Battelle, Aug. 28-Sept. 1, 2020.

DISCUSSION

Battelle challenges the CDC's award to CSRA in numerous respects. According to Battelle, the agency: (1) disparately evaluated proposals;⁵ (2) unreasonably assigned a new weakness to Battelle's technical approach that was not assigned during the prior evaluation without explaining the reason for the difference in evaluations; (3) failed to explain how offerors strengths and weaknesses translated to point scores assigned by the evaluators; (4) engaged in a mechanical comparison of point scores without qualitatively comparing the strengths and weaknesses of offerors' proposals; (5) ignored the relative importance of the evaluation factors set forth in the solicitation; and (6) made an unreasonable and undocumented best-value tradeoff decision. For the reasons discussed below, we deny Battelle's protest.⁶

When reviewing protests alleging improper evaluations we do not reevaluate proposals; rather, we examine the record to determine whether the agency's judgments were reasonable and in accordance with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *Quantech Servs., Inc.*, B-417347, B-417347.2, May 29, 2019, 2019 CPD ¶ 203 at 7; *SGT, Inc.*, B-405736, B-405736.2, Dec. 27, 2011, 2012 CPD ¶ 149 at 4; *Technology Concepts & Design, Inc.*, B-403949.2, B-403949.3, Mar. 25, 2011, 2011 CPD ¶ 78 at 8. The evaluation of proposals is a matter within the agency's discretion, and a protester's disagreement with the agency's judgment of the relative merit of competing proposals, without more, does not establish that the evaluation was unreasonable. *DRS ICAS, LLC*, B-401852.4, B-401852.5, Sept. 8, 2010, 2010 CPD ¶ 261 at 4-5. Further, when a protester alleges disparate treatment in

⁴ 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).

⁵ In its initial protest, Battelle alleged a single instance of disparate evaluation--the same instance which formed the basis of our decision sustaining Battelle's second protest. Protest at 16-18. Battelle withdrew this protest ground in its comments on the agency's report responding to this current protest. Comments & Supp. Protest at 3 n.3. Also in its comments, Battelle raised new allegations of two additional instances of disparate evaluation. *Id.* at 3-6.

⁶ While we do not address in detail all of the issues raised by Battelle, our Office has considered each of them and concludes that none of them provides a basis to sustain the protest.

a technical evaluation, it must show that the differences in ratings did not stem from differences between the proposals. *IndraSoft, Inc.*, B-414026, B-414026.2, Jan. 23, 2017, 2017 CPD ¶ 30 at 10; *Paragon Sys., Inc.; SecTek, Inc.*, B-409066.2, B-409066.3, June 4, 2014, 2014 CPD ¶ 169 at 8-9.

Disparate Treatment

It is a fundamental principle of government procurement that competitions must be conducted on an equal basis; that is, the contracting agency must even-handedly evaluate proposals against common requirements and evaluation criteria. *Office Design Group v. United States*, 951 F.3d 1366, 1372 (Fed. Cir. 2020) *citing* FAR 1.602-2(b) (“Contracting officers shall . . . ensure that contractors receive impartial, fair, and equitable treatment.”); *Transworld Systems, Inc.; Account Control Tech., Inc.*, B-414090.13 *et al.*, Dec. 22, 2017, 2019 CPD ¶ 2 at 9. Agencies properly may assign dissimilar proposals different evaluation ratings, however. *Office Design Group v. United States*, 951 F.3d at 1372 *citing* FAR 1.102-2(c)(3) (“All contractors and prospective contractors shall be treated fairly and impartially but need not be treated the same.”); *IndraSoft, Inc.*, *supra* at 10; *Paragon Sys., Inc.; SecTek, Inc.*, *supra* at 8-9. Accordingly, to prevail on an allegation of disparate treatment, a protester must show that the agency unreasonably evaluated its proposal in a different manner than another proposal that was substantively indistinguishable or nearly identical. *See Office Design Group v. United States*, 951 F.3d at 1372; *Transworld Systems, Inc.*, *supra* at 9-10.

Here, the solicitation required that proposals include “a description of the proposed technical approach to meet each of the requirements specified in the performance statement of work.” RFP at 75. The solicitation cautioned offerors to “provide a discussion of their technical approach for providing the services required for this task order . . . in the Offeror’s own words,” and “not simply a regurgitation of the requirements.” *Id.*

Battelle argues that the CDC’s evaluation under the technical approach factor reflects disparate treatment in connection with its evaluation of offerors’ responses to task 2.c. Comments and Supp. Protest at 4-5. Battelle contends that the evaluators disparately assessed a strength in CSRA’s proposal, but not Battelle’s, for offering to provide bioinformatics support. *Id.* We find that the record does not support Battelle’s assertion.

The solicitation included task 2.c., which required the successful offeror to “[d]evelop and apply new and novel molecular characterization methods to allow detailed analyses of genes and laboratory surveillance of gene evolution.” RFP at 11. The solicitation advised that this work would “include various research studies with the goal of understanding host range or virulence of novel or seasonal influenza viruses,” and included a list of seven specific activities that would be included in the work. *Id.* The record reflects that the evaluators assessed a strength in CSRA’s proposal under task 2.c. because of CSRA’s “years of experience in providing bioinformatics support to CDC.” AR, Tab 8, TEP Report at 6. Specifically, the evaluators noted that “[s]ince

2010, CSRA has provided high-quality NGS [Next Generation Sequencing] bioinformatics support for the CDC via [a] wide range of contracts including the current CDC Office of Advanced Molecular Detection (OAMD) Scientific Computing and Bioinformatics Support (SCBS) contract and CDC NCIRD Core Bioinformatic Support contract.” *Id.* The evaluators considered this a “notable strength” because “influenza sequence data analysis depends on rigorous and proven bioinformatics pipeline.” *Id.*

Battelle contends that the evaluators also should have assessed a strength in its proposal related to the provision of bioinformatics support. Comments & Supp. Protest at 4-5. In support of its contention, Battelle cites to a “call out box” included in its proposal highlighting that “Battelle’s experience in [DELETED] has resulted in successful [DELETED],” and listing [DELETED]. AR, Tab 11, Battelle’s Technical Proposal at 14. The CDC explains that the evaluators did assess a strength in Battelle’s proposal in recognition of the innovations highlighted in the referenced call out box, and that the evaluators acknowledged that this information demonstrated that Battelle “comprehensively understands the approach to produce high quality influenza genomic data for improved influenza viral surveillance and control.” Supp. COS/MOL at 3-4, *citing* AR, Tab 8, TEP Report at 3.

The CDC notes that the strength assessed in Battelle’s proposal was based on its description of its [DELETED] work with [DELETED], while the strength assessed in CSRA’s proposal was based on its description of its decade of experience providing bioinformatics support to the CDC. Supp. COS-MOL at 3. The CDC maintains that it reasonably assessed different strengths in the offerors’ proposals because the proposals themselves were different, and that it “properly credited each offeror for the unique aspects of its approach.” *Id.* at 4.

Battelle acknowledges that the CDC assessed a strength in its proposal based on the information contained in the referenced call out box, but argues that the evaluators additionally should have assessed the same strength in its proposal that they did in CSRA’s because Battelle also has a decade of experience providing bioinformatics support to the CDC. Supp. Comments at 6-7. Battelle does not cite to, nor did our review identify, any specific information in the technical approach section of its proposal explaining its decade of providing bioinformatics support to the CDC. *See Id.* at 7. Based on this record, we conclude that the difference in evaluations reasonably resulted from differences in the proposals.

Battelle also argues that the CDC further evaluated proposals in a disparate manner with respect to the standardization of data collection. Comments & Supp. Protest at 5-6. We have considered Battelle’s contention, and, based on the record, Battelle’s disagreement with the CDC’s judgment, without more, does not establish that the difference in evaluations did not stem from a difference in the proposals. *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 10. Accordingly, Battelle’s protest grounds alleging disparate treatment are denied.

Assessment of New Weakness in Battelle’s Technical Approach

Battelle argues that the CDC unreasonably assessed a new weakness in Battelle's proposal that was not assessed during the prior evaluation. Protest at 19. Specifically, Battelle challenges the evaluators' assessment that its proposal provided only "limited details regarding the effect of innate immune response on protection." *Id.*

The solicitation included task 2.o., which required the successful offeror to "[c]onduct laboratory studies assessing innate and adaptive immune responses to influenza vaccination." RFP at 15. The solicitation advised that this work would include the establishment and optimization of "processes to investigate the impact of nasal and gut microbiome in vaccine immunogenicity and efficacy," and the evaluation of "innate and adaptive immune responses to influenza B viruses by conducting research to support specific research questions." *Id.* at 16.

The record reflects that the evaluators assessed a weakness in Battelle's proposal under task 2.o. because Battelle addressed "neither the impact of nasal and gut microbiome on vaccine effectiveness, nor approaches toward the identification and utilization of innate immune mechanisms that enhance the immune response to vaccines and natural infection." AR, Tab 8, TEP Report at 5. The evaluators noted that Battelle's "omission of a detailed approach limits the TEP[']s ability to assess the likelihood of success of the offeror[']s vaccine and therapeutic development." *Id.*

In support of its argument that the evaluators unreasonably assessed this weakness, Battelle initially pointed to the following excerpt from its proposal as evidence that it did address innate and adaptive immune response to influenza vaccination.

Battelle's expert staff will [DELETED] Our staff are skilled in [DELETED]

Protest at 19-20, *citing* AR, Tab 11, Battelle's Technical Proposal at 17.

The CDC explained that the evaluators did not consider this portion of Battelle's proposal to address the effect of innate immune response on protection because neither innate immune response nor nasal and gut microbiomes were mentioned. COS/MOL at 12-13. The CDC further explained that "Battelle's generic assertions that it will '[DELETED]' and utilize staff "skilled in [DELETED]" do not indicate whatsoever how Battelle plans to address the effect of innate immune responses on protection." *Id.* at 13. Based on this record, we have no basis to question the CDC's assessment of the challenged weakness.

In its comments on the CDC's report responding to the protest, Battelle argued that while the portion of its proposal it initially cited did not discuss innate immune responses, the CDC "failed to acknowledge" other portions of Battelle's proposal that did. Comments & Supp. Protest at 8. In support of its argument, Battelle points to the following excerpt from its proposal:

[DELETED].

Id., citing AR, Tab 11, Battelle Technical Proposal at 17. Battelle also points to its proposal's discussion of focusing "on [DELETED]," and its approach likely resulting in "[DELETED]." Comments & Supp. Protest at 9.

Our decisions explain that the piecemeal presentation of evidence, information, or analysis supporting allegations previously made is prohibited. *Raytheon Blackbird Techs., Inc.*, B-417522, B-417522.2, July 11, 2019, 2019 CPD ¶ 254 at 4. Indeed, our regulations obligate a protester to set forth all of the known legal and factual ground supporting its allegations because piecemeal presentation of evidence unnecessarily delays the procurement process and our ability to resolve protests within the requisite 100-day period. *XTec, Inc., B-418619 et al.*, July 2, 2020, 2020 CPD ¶ 253 at 25.

Here, the record reflects that, as of the time of its initial protest, Battelle knew that the agency assessed a weakness in its proposal for failure to address innate immune responses and knew all the portions of its proposal that contained information about innate immune responses, which the agency allegedly ignored. Accordingly, Battelle knew the entirety of its basis of protest concerning the agency's assessment of the challenged weakness. Battelle waited to provide two of the three proposal excerpts supporting its argument, however, until submission of its comments on the agency's report. Accordingly we will not consider these later provided supporting examples. See *XTec, Inc., supra* at 24-25 (declining to consider evidence in support of the protester's organizational conflict of interest allegation because the protester had the information in its possession at the time it filed its initial protest but waited to provide it until it submitted its third supplemental protest and comments).

Moreover, Battelle's untimely raised support provides no basis for us to question the evaluators' assessment of a weakness in Battelle's proposal for failing to address innate immune responses. The CDC explained that none of the proposal excerpts newly cited by Battelle address the impact of nasal and gut microbiome on vaccine effectiveness, an omission that was specifically noted by the evaluators in assessing the challenged weakness. Supp. COS/MOL at 10. The CDC further explained that Battelle's "blanket statement that it is important to '[DELETED]' hardly provides a detailed approach as to how Battelle planned to accomplish such an expansion of knowledge." *Id.* Based on the record here, we find the evaluators' assessment of the challenged weakness reasonable.

Battelle further challenges the CDC's evaluation with respect to this weakness, arguing that the SSA "failed to provide a reasonable rationale" for why this weakness, that was not assessed during the prior evaluation of Battelle's proposal, was assessed during reevaluation. Protest at 20. In support of its argument Battelle cites to our decision in *eAlliant, LLC*, B-407332.6, B-407332.10, Jan. 14, 2015, 2015 CPD ¶ 229, and argues that the SSA's failure to provide an explanation for the different evaluation findings provides a basis to sustain the protest. Protest at 21.

We find Battelle's reliance on our decision in *eAlliant* to be misplaced. In *eAlliant*, the record reflected that, during reevaluation, the agency removed six strengths it previously had assessed in the protester's proposal, which remained essentially the same. *eAlliant, LLC, supra* at 7. The record further reflected that the contemporaneous evaluation documents contradicted the explanation for the different evaluation results that the agency provided during the course of the protest. *Id.* at 10. Based on the record in *eAlliant*, we found that when the same SSA reviewed significantly different evaluation results of essentially the same proposal, submitted by the same offeror, under the same solicitation, it was incumbent upon the SSA to reconcile or explain the starkly different evaluation conclusions. *Id.* at 11. We noted, however, that our finding in *eAlliant* was not meant to indicate that an agency is prohibited in its corrective action from revising its evaluations of offerors' proposals, or from reaching different evaluation results or ratings. *Id.* Rather, under the particular circumstances presented in *eAlliant*, we concluded that the SSA was required to provide some explanation as to why the evaluation results were materially different than those reached in the prior evaluations.

Here, the record does not reflect the sort of starkly different evaluation results at issue in *eAlliant*. Rather, the record here reflects that, upon reevaluation, the TEP identified the same number of weaknesses--two--in Battelle's proposal under the technical approach factor as it assessed during the prior evaluation. AR, Tab 7, TEP Recommendation at 1; see *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 4. One of the two weaknesses related to Battelle's failure to address its approach to evaluating the pathogenesis and transmission of novel influenza viruses using both *in vitro* and *in vivo* experiments remained, and is not challenged here. AR, Tab 8, TEP Report at 5-6; see *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 8-9. The second weakness also remained, though in a modified form.

The record indicates that after reevaluating offerors' technical approaches the evaluators continued to assess a weakness in Battelle's proposal related to task 2.o. for Battelle's failure to address in detail all of the sub-tasks included in the solicitation under task 2.o. AR, Tab 8, TEP Report at 5. The evaluators continued to cite as a specific example of the detail missing from Battelle's proposal under task 2.o. Battelle's provision of limited details related to the role of CD8+ T cells. *Id.*; see *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 6. Following their reevaluation, the evaluators added a second specific example of the detail missing from Battelle's proposal under task 2.o.--Battelle's provision of limited details regarding the effect of innate immune responses discussed above. AR, Tab 8, TEP Report at 5.

The record reveals that the alleged new weakness Battelle challenges was not assessed or counted as a separate weakness by the CDC. Rather, the CDC continued to consider Battelle's technical approach as meriting the assessment of two weaknesses, and for one of those weaknesses, the evaluators provided an additional example in support of their conclusion. AR, Tab 7, TEP Recommendation at 1 (noting that the evaluators assessed 13 strengths and 2 weaknesses in Battelle's proposal under the technical approach factor); AR, Tab 8, TEP Report at 5.

Our Office has consistently stated that the fact that a reevaluation of proposals after corrective action varies from the original evaluation does not constitute evidence that the reevaluation was unreasonable, because it is implicit that a reevaluation can result in different findings and conclusions. *eAlliant, LLC, supra* at 10; *IAP World Servs., Inc.*, B-406339.2, Oct. 9, 2012, 2012 CPD ¶ 287 at 3. Based on the record here, we find no basis to question the CDC's documentation of additional examples in support of its continued assessment of two weaknesses in Battelle's proposal under the technical approach factor. *MILVETS Systems Tech., Inc.*, B-409051.7, B-409051.9, Jan. 29, 2016, 2016 CPD ¶ 53 at 7 n.7 (finding nothing improper with the agency providing a more detailed basis to support the ratings assigned to proposals during reevaluation).

Assignment of Point Scores

Battelle also challenges the CDC's methodology for assigning point scores, arguing that the methodology continued to be flawed in the same manner noted in our decision sustaining Battelle's second protest. Protest at 21-22, *citing Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 17-18. Battelle further contends that the evaluation record does not explain how the evaluators translated their assessments of strengths and weaknesses into point scores. Protest at 22-23; Comments & Supp. Protest at 13, 16.

Agencies' use of point scores can serve as a guide to intelligent decision-making, but the assignment of underlying point scores must be on an intelligible, reasonable, equal, and consistent basis for all proposals. *Nexant, Inc.*, B-407708, B-407708.2, Jan. 30, 2013, 2013 CPD ¶ 59 at 7. This does not mean, however, that when utilizing a point score evaluation rating system, an agency must demonstrate with mathematical certainty how the rating was derived so long as the rating is consistent with the solicitation's evaluation criteria and other supporting documentation. *Magellan Health Servs.*, B-298912, Jan. 5, 2007, 2007 CPD ¶ 81 at 5. An offeror's disagreement with the agency's evaluation, without more, is not sufficient to render the evaluation unreasonable. *Id.*

With respect to Battelle's first argument, that the CDC again utilized the same mathematical average scoring methodology to assign point scores, we conclude that the record does not support Battelle's contention. During the previous evaluation reviewed by our Office during Battelle's second protest, the record reflected that the individual evaluators each assigned a point score for every technical evaluation factor for each proposal. *Battelle Memorial Institute*, B-418047.3, B-418047.4, *supra* at 16. The record further reflected that, following the individual evaluations, the TEP arrived at its consensus point scores by averaging the point scores assigned by the five individual evaluators. *Id.* While we found problems with the CDC's mathematical averaging methodology, we concluded that, based on the record there, the CDC had not relied solely on the average scores in making its source selection decision. *Id.* at 17. Accordingly, we did not sustain Battelle's second protest on the basis of the problematic point scoring methodology, but instead directed the CDC's attention to the issue to ensure it did not "compromise any future selection decision resulting from the CDC's implementation of our recommendation." *Id.* at 18 n.13.

Here, the record reflects that the evaluators again developed individual point scores, and then “met together to determine a consensus score that represented the findings of the [TEP] as a whole.” COS/MOL at 4; see AR, Tab 8, TEP Report at 2. The record here does not reflect, however, that the TEP utilized the same kind of mathematical averaging scoring methodology to arrive at its consensus point scores. The scores assigned by the five individual evaluators to Battelle’s proposal under the technical approach factor during reevaluation were 38, 38, 38, 39, and 39. AR, Tab 8, TEP Report at 2. The mathematical average derived by totaling the individual scores and dividing the sum by five is 38.4. The record reflects that the consensus score assigned by the TEP to Battelle’s proposal under the technical approach factor during reevaluation was 38.5, not 38.4. *Id.* Similarly, the scores assigned by the five individual evaluators to CSRA’s proposal under the technical approach factor during reevaluation were 35, 34, 33, 38, and 35, the mathematical average of which is 35. *Id.* The record shows, however, that the TEP assigned CSRA’s proposal a consensus score of 35.5, not 35. *Id.* Based on this record, we find no factual support for Battelle’s contention that the CDC utilized a mathematical averaging scoring methodology.

With respect to Battelle’s second argument, that the evaluation record provides no explanation as to how the evaluators translated their assessments of strengths and weaknesses into point scores, the record reflects that the evaluators did not consider each strength or weakness to be equal in point value. AR, Tab 7, TEP Recommendation at 1. Rather, the TEP developed its consensus point score “based on the possible benefit of the strengths and the possible negative impact of the weaknesses on the Influenza Division’s program priorities, as defined in the solicitation.” *Id.* While the mathematical relationship between assessed weaknesses and the amount of points deducted is not explicitly set forth in the evaluation record, the record does include detailed narratives explaining the qualitative nature of the strengths and weaknesses assessed in each proposal. AR, Tab 8, TEP Report.

The record contains a detailed discussion by the TEP of each of the 13 strengths and 2 weaknesses assessed in Battelle’s technical approach, and of the impact those strengths had on the TEP’s confidence in Battelle’s ability to successfully perform the solicited requirements. AR, Tab 8, TEP Report at 3-6. The TEP included in its discussion examples of impacts the various strengths and weaknesses would have on specific work requirements. *Id.* For instance, the TEP assessed a strength in Battelle’s proposal for providing “specific details of [DELETED],” and provided that this strength was notable “because, it is important that, during the flu season, CDC can quickly identify whether circulating influenza viruses have [DELETED].” *Id.* at 3. The record reflects that the TEP discussed each of the strengths and weaknesses assessed in Battelle’s proposal in similar detail. Based on this record, we conclude that the TEP reasonably translated its assessments into the assigned point scores. See *Magellan Health Servs.*, *supra* at 6.

Best-Value Tradeoff

Battelle argues that the CDC unreasonably made its source selection decision because the technical evaluation was “infected with errors.” Protest at 21. This allegation is derivative of the protester’s challenges to the CDC’s evaluation of offerors’ technical approaches, which, as discussed above, provided no basis to sustain the protest. Thus, we dismiss this allegation because derivative allegations do not establish independent bases of protest. *DirectVizSolutions, LLC*, B-417565.3, B-417565.4, Oct. 25, 2019, 2019 CPD ¶ 372 at 9.

Battelle further argues that even if “the technical evaluation was rational” the CDC’s source selection decision was flawed because it failed to adhere to the award methodology set forth in the solicitation. Protest at 24. Battelle contends that it was unreasonable for the CDC to consider the two proposals technically equivalent when Battelle’s proposal was credited for its superior solution under the most important non-price evaluation factor. Comments & Supp. Protest at 14. Specifically, Battelle maintains that the CDC should have determined that Battelle’s proposal offered better value than CSRA’s proposal because Battelle’s proposed price was only 1.5 percent higher than CSRA’s, but its proposal was assigned a point score that was 2.1 percent higher than CSRA’s proposal under the most important non-price evaluation factor--technical approach. Protest at 24. We disagree.

The solicitation was silent regarding the importance of the combined non-price evaluation factors relative to price. See RFP at 72-79. Accordingly, we assume that price was of equal importance to the non-price factors. See *e.g.*, *CardioMetrix*, B-258108, Nov. 16, 1994, 94-2 CPD ¶ 191 at 2; *Fabrics Plus, Inc.*, B-218546, July 12, 1985, 85-2 CPD ¶ 46 at 4 (“[W]here an RFP indicates that price will be considered, without explicitly indicating its importance in relation to technical factors, offerors may presume that cost and technical considerations are approximately equal in importance.”).

Source selection officials have broad discretion in deciding the manner and extent to which they will make use of technical and price evaluation results; price/technical tradeoffs may be made and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the evaluation criteria. *Quantech Servs., Inc.*, *supra* at 10. A protester’s disagreement with an agency’s judgments about the relative merit of competing proposals, without more, does not establish that the judgments were unreasonable. *Id.*; *General Dynamics Land Systems*, B-412525, B-412525.2, Mar. 15, 2016, 2016 CPD ¶ 89 at 11.

The record reflects that the TEP acknowledged that Battelle’s proposal received 96.3 percent of the maximum possible points under the most important non-price evaluation factor--technical approach--as compared to CSRA’s proposal receiving 88.8 percent of the points. AR, Tab 7, TEP Recommendation at 2. The TEP “determined that the strengths and weaknesses identified in the reevaluation criteria of Battelle’s Technical Approach may pose less risk of unsatisfactory task completion as compared to CSRA’s proposal.” *Id.* at 3. The TEP noted, however, that there were four other evaluation factors worth a total of 60 points, and that CSRA’s proposal had received a higher

percentage of those 60 possible points--93.5 percent compared to Battelle's 91.7 percent. *Id.* The TEP concluded that "[w]hen all of the scores are combined and strengths and weaknesses from the remaining evaluation criteria are considered, the relative risk of unsatisfactory task completion by CSRA is reduced and results in technically equivalent proposals for both CSRA and Battelle." *Id.* Based on the technical equivalency of the proposals, the TEP recommended CSRA's lower-priced proposal for award. *Id.* at 4-5.

The record further reflects that the SSA looked behind the point scores and documented a head-to-head comparison of the strengths and weaknesses in the offerors' proposals under each evaluation factor. AR, Tab 6, Award Decision at 5-8. Based on this comparison, the SSA concurred with the TEP's conclusion that the two proposals were technically equivalent, and selected CSRA's lower-priced proposal for award. *Id.* at 11-12. Thus, the record here, and the solicitation's establishment of price as equally important to the combined non-price factors, supports the SSA's reasonable decision that CSRA's slightly lower-rated, lower-priced proposal offered a better value than Battelle's higher-rated, but slightly higher-priced proposal.

The protest is denied.

Thomas H. Armstrong
General Counsel