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# Decision

**Matter of:** ACTA, LLC

**File:** B-418352.3; B-418352.4

**Date:** August 28, 2020

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## DIGEST

Protest challenging the agency's evaluation of proposals and selection decision is denied where the record shows that both were reasonable and in accordance with the terms of the solicitation.

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## DECISION

ACTA, LLC, a small business of Torrance, California, protests the award of a contract to UNCOMN, a small business of Scott Air Force Base, Illinois, under request for proposals (RFP) No. HTC71119RD007, issued by the United States Transportation Command (USTRANSCOM), for enterprise architecture, data, and engineering services. The protester contends that the agency's evaluation and source selection decision are unreasonable.

We deny the protest.

## BACKGROUND

The RFP, issued on May 16, 2019, using the commercial item procedures of Federal Acquisition Regulation (FAR) part 12, was set aside for small businesses. Agency

Report (AR), Tab 62, RFP at 1, 28.<sup>1</sup> The RFP contemplated the award of an indefinite-delivery, indefinite-quantity contract with fixed-price and labor hour line items, for a five-year ordering period. *Id.* at 4, 33. The purpose of the procurement is to acquire the agency's consolidated requirements for enterprise architecture, enterprise data management, and information technology engineering services for USTRANSCOM and its transportation component commands. AR, Tab 21, Performance Work Statement (PWS) at 2-3.

The RFP stated that award would be made on the basis of a best-value tradeoff between the following factors, listed in descending order of importance: technical/management, past performance, and price. RFP at 33-34. The technical/management and past performance factors, when combined, were significantly more important than the price factor. *Id.* at 34. The technical/management factor included the following subfactors: (1) capability maturity model integration (CMMI) level III in the development and/or services model; (2) architecture – Department of Defense architecture framework (DODAF) model; (3) data management; and (4) enterprise engineering support. *Id.* at 33-34. The CMMI level III subfactor was to be rated on a pass/fail basis; a proposal that received a fail rating under this subfactor would not be further evaluated. *Id.* at 34. For the remaining three subfactors, which were of equal importance, proposals were to be evaluated qualitatively by identifying strengths, weaknesses and deficiencies, and assigned the following ratings: outstanding, good, acceptable, marginal, or unacceptable. *Id.* at 34-35.

Under the past performance factor, the RFP required that offerors submit a minimum of one and a maximum of five references that the offeror considered relevant to demonstrate its ability to perform the requirements. RFP at 29-30. The RFP stated that the evaluation of past performance would consider the recency, relevancy, and quality of a contractor's past performance efforts.<sup>2</sup> *Id.* at 36. Each past performance effort was to be assigned one of the following relevancy ratings: very relevant, relevant, somewhat relevant, or not relevant. *Id.* The RFP further stated that the agency would consider the quality of recent and relevant past performance efforts, and assign an overall confidence rating as follows: substantial confidence, satisfactory confidence, neutral confidence, limited confidence, or no confidence. *Id.* at 37.

The agency received 11 proposals in response to the RFP, including from UNCOMN and ACTA. Contracting Officer's Statement (COS) at 11. Following the agency's initial evaluation, the nine other proposals were found to be technically unacceptable. *Id.* On December 2, the agency informed ACTA that its price was considered to be unrealistic and its proposal had been eliminated from further consideration, and on December 9,

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<sup>1</sup> The RFP was amended four times. Citations in this decision are to the conformed RFP.

<sup>2</sup> To be considered recent and included in the evaluation, the RFP required that the past performance effort either be ongoing or have been performed during the past three years from the initial proposal due date. RFP at 30, 36.

awarded the contract to UNCOMN. *Id.* at 12-13. On December 16, ACTA filed a protest with our Office, which we denied. *ACTA, LLC*, B-418352, B-418352.2, Mar. 17, 2020, 2020 CPD ¶ 107 (finding reasonable the agency’s evaluation of ACTA’s price as unrealistic where the majority of the protester’s proposed labor rates were substantially below the prices proposed by other offerors, the government estimate, and the rates under the incumbent contract, and that ACTA was not an interested party to challenge the evaluation of its technical proposal, or the awardee’s past performance). Thereafter, ACTA filed suit at the Court of Federal Claims, which granted ACTA’s request for a preliminary injunction. *ACTA, LLC v. United States*, Apr. 24, 2020 (Fed. Cl.), 2020 WL 2065976 (unreported).

The agency performed a new price analysis, and although the agency again concluded that a majority of ACTA’s proposed labor rates were unrealistic, ACTA’s proposal was not rejected as unacceptable. The agency’s final evaluation of ACTA’s and UNCOMN’s proposals was as follows:

	<b>ACTA</b>	<b>UNCOMN</b>
<b>CMMI Level III</b>	Pass	Pass
<b>Architecture – DODAF Model</b>	Acceptable	Outstanding
<b>Data Management</b>	Acceptable	Outstanding
<b>Enterprise Engineering Support</b>	Acceptable	Outstanding
<b>Past Performance</b>	Substantial Confidence	Substantial Confidence
<b>Total Evaluated Price</b>	\$87,809,236	\$137,862,774

AR, Tab 106, Final Source Selection Evaluation Board (SSEB) Report at 60. The agency concluded that ACTA had one strength and two weaknesses under the architecture-DODAF model subfactor, one strength under the data management subfactor, and one strength and one weakness under the enterprise engineering support subfactor.<sup>3</sup> *Id.* The agency concluded that UNCOMN had four strengths and two weaknesses under the architecture-DODAF model subfactor, three strengths under the data management subfactor, and four strengths under the enterprise engineering support subfactor. *Id.* Based on these evaluation results, the agency again selected UNCOMN as the offeror that would provide the best value to the government. AR, Tab 108, Source Selection Decision at 7. On May 10, the agency notified ACTA that award was made to UNCOMN. AR, Tab 96, ACTA Unsuccessful Offeror Letter at 1. On May 15, ACTA received a written debriefing. See AR, Tab 97, ACTA Debriefing. This protest followed.

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<sup>3</sup> As relevant here, a strength is an aspect of a proposal that has merit or exceeds the specified performance or capability requirements in a way that will be advantageous to the government during contract performance. RFP at 34.

## DISCUSSION

The protester contends that the agency's evaluation under the technical/management and past performance factors was unreasonable and disparate. ACTA further argues that, as a result of the flaws in the evaluation, the source selection decision is irrational and fails to consider the significant savings presented by its lower proposed price. Although we do not specifically address all of ACTA's arguments, we have fully considered all of them and find that they afford no basis on which to sustain the protest.<sup>4</sup>

### Technical/Management

ACTA argues that the agency's evaluation of its proposal was unreasonable and disparate. Protest at 21-25. In particular, ACTA argues that the agency identified strengths in UNCOMN's proposal that were similarly present in ACTA's proposal, but the agency failed to credit ACTA's proposal with these same strengths in its evaluation. *Id.* at 22; Comments & Supp. Protest at 3-11. We have reviewed the record and conclude that the agency's evaluation was reasonable, and the differences in the evaluation were the result of differences between the proposals. We address representative examples below.

The evaluation of proposals is primarily a matter within the agency's discretion, since the agency is responsible for defining its needs and identifying the best method for accommodating them. *VSE Corp.*, B-414057.2, Jan. 30, 2017, 2017 CPD ¶ 44 at 8. In reviewing protests challenging an agency's evaluation of proposals, our Office will not reevaluate proposals, but rather will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement statutes and regulations. *Id.* A protester's disagreement with the agency's judgments, without more, is insufficient to render the evaluation unreasonable. *Armedia, LLC*, B-415525 *et al.*, Jan. 10, 2018, 2018 CPD ¶ 26 at 4.

In addition, an offeror is responsible for demonstrating affirmatively the merits of its proposal and risks rejection of its proposal if it fails to do so. *Biomass Energy Serv.*, B-412898, July 1, 2016, 2016 CPD ¶ 165 at 4. Where a protester alleges unequal treatment in a technical evaluation, it must show that the differences in ratings did not stem from differences between the proposals. See *Paragon Sys., Inc.; SecTek, Inc.*, B-409066.2, B-409066.3, June 4, 2014, 2014 CPD ¶ 169 at 8-9.

### Data Management Subfactor

The protester contends that the agency disparately evaluated proposals under the data management subfactor. Comments & Supp. Protest at 7-9. Specifically, ACTA argues

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<sup>4</sup> In its protest, ACTA again challenged the agency's price realism analysis, however, this allegation was withdrawn after the agency filed its report. Comments & Supp. Protest at 2 n.1.

that it was disparate to identify a strength for UNCOMN's extensive knowledge providing data as a service, presenting various data maturation tools, and being knowledgeable of Amazon Web Services (AWS) cloud services--based on a single sentence in UNCOMN's proposal--but not identify a strength for ACTA's proposal, which, in ACTA's view, provided much more information and detail. *Id.* at 7. ACTA further argues that it was also disparate for the agency to identify a strength for UNCOMN's knowledge in convergence and visualization, based on work performed by its proposed subcontractors for other entities, and not identify a strength in ACTA's proposal for its performance of these same requirements on the incumbent contract. *Id.* at 9. The agency argues that contrary to ACTA's argument, UNCOMN's proposal provided significant details to demonstrate knowledge and understanding of the requirements, and thus its evaluation was reasonable. Supp. COS/Memorandum of Law (MOL) at 5-6.

Under the data management subfactor, the RFP required that proposals demonstrate knowledge and understanding in enterprise data management, in relevant part, as follows:

- iii. Data Services/Data as a Service to capture, store, converge data sets, and present data for consumption by systems or business intelligence tools utilizing industry best practice technologies and tools. []
- iv. Data convergence, visualization methodologies (e.g. [business intelligence] outputs, applications, and complex software solutions) to meet iterative customer requirements in an agile development approach to leverage the [Enterprise Data Environment] as a data source to satisfy [Joint Deployment and Distribution Enterprise (JDDE)] customer loosely defined requirements. []

RFP at 28-29, 35. Both offerors addressed these requirements in their proposals. AR, Tab 99, UNCOMN Technical/Management Proposal at 32-34 (sections 4.5 and 4.6); Tab 39, ACTA Technical/Management Proposal at 29-35 (sections 3.3 and 3.4).

In its evaluation, the agency identified the following strengths in UNCOMN's proposal, stating in pertinent part, as follows:

The offeror demonstrated extensive knowledge in providing data-as-a-service using the method of capturing as-is data, storing, and protecting data in the data environment, converging data into business data sets, and presenting datasets using services via a service catalog. In addition, the offeror presented various data maturation tools and is knowledgeable of AWS cloud services. This detailed information enables the Command to move forward with Data Services/Data as a Service to inform business intelligence efforts in support of the JDDE.

Example: The offeror demonstrated knowledge and understanding of data services as they mapped data elements to the Master Data Repository and the Decennial implementation plan for the US Census Bureau. (Reference paragraph 4.5)

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The offeror demonstrated extensive knowledge in convergence and visualization by discussing their agile methods to cleanse, curate data sets, and define analytical data models for consumption from the data environment. The offeror detailed industry-best [business intelligence] tools and proposed to develop dashboards in the Enterprise tools such as Cognos, or to custom develop a solution integrated in the environment. The offeror's detailed knowledge and understanding in data convergence and visualization methodologies assists the Government in its efforts to leverage the data environment as a source to satisfy the JDDE requirements.

Example: The offeror demonstrated knowledge and understanding of convergence and visualization by developing a decision-support tool during the Big Data Migration and Analytics 120-day rapid prototype conducted by USTRANSCOM. (Reference paragraph 4.6)

AR, Tab 101, UNCOMN Technical Evaluation Worksheet at 5-6. In its evaluation of ACTA's proposal, the agency did not identify strengths in either of these areas, but found that ACTA's proposal "met the requirements of the PWS." AR, Tab 73, ACTA Technical Evaluation Worksheet at 4 (stating that, for example, ACTA "demonstrated their knowledge and understanding by providing a Data-as-a-Service methodology based on [Data Management Body of Knowledge] best practices.").

Here, the record shows that contrary to the protester's argument, UNCOMN's proposal included more than a single sentence to address the RFP's requirements. Both offerors substantively discussed their knowledge and understanding of the requirements. However, as stated in the strengths identified by the agency, the UNCOMN proposal provided specific examples further demonstrating its knowledge through prior performance of these requirements. See, e.g., AR, Tab 99, UNCOMN Technical/Management Proposal at 32 (describing data as a service provided to the U.S. Census Bureau) and 34 (describing data convergence and visualization efforts for USTRANSCOM).

By comparison, the ACTA proposal more generally stated that it "offers incumbent experience," and in one instance stated that ACTA employed a particular technology for the Army Corps of Engineers, but did not provide the same level of detail for this

experience as the UNCOMN proposal.<sup>5</sup> AR, Tab 39, ACTA Technical/Management Proposal at 33-34. As noted, the agency concluded that ACTA's proposal met the requirements, but the differences between the agency's evaluation of UNCOMN's and ACTA's proposals under this subfactor stem from the differences in proposals, and the additional detail provided by UNCOMN regarding its past experience. *Paragon Sys., Inc.; SecTek, Inc., supra*. On this record, we find the agency's evaluation was reasonable.

#### Enterprise Engineering Support Subfactor

The protester argues that the agency disparately evaluated proposals under the enterprise engineering support subfactor, specifically with respect to security risks. ACTA argues that the evaluation was disparate because the agency identified a strength in UNCOMN's proposal for its identification of five security risks, but failed to identify a strength in ACTA's proposal, which identified 11 risks, including many of the same security risks identified by UNCOMN, and additionally assigned a risk level and mitigation plan for the risks. Comments & Supp. Protest at 9-11. The agency argues that the protester misconstrues the nature of the strength, which was related specifically to security risk in a cloud environment. The agency argues that not all of the risks identified by ACTA in its proposal were cloud-related risks, and ACTA's proposal did not merit a strength simply because it identified more risks than UNCOMN. Supp. COS/MOL at 6-7.

Under the enterprise engineering support subfactor, the RFP required that proposals demonstrate knowledge and understanding in enterprise engineering support, in pertinent part, as follows: "Security related to services in a cloud environment[] by describing a sample of security risks they have encountered in designing and building enterprise services and how those risk[s] were mitigated." RFP at 29. In its proposal, UNCOMN identified five sample security risks and mitigation for those risks in a cloud environment, and provided a specific approach to cloud security as part of its overall approach to information services security. AR, Tab 99, UNCOMN Technical/Management Proposal at 44-45 (section 5.4). In its evaluation of UNCOMN's proposal, the agency identified a strength that stated, in pertinent part, as follows:

The proposal demonstrated a comprehensive knowledge and understanding of security related services in the cloud environment. The offeror provided accurate assessments of security risks that were prevalent in cloud migration efforts, and provided detailed mitigation to

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<sup>5</sup> With respect to ACTA's incumbent experience, the agency explains as follows: "ACTA is not the incumbent. Trident Technologies, LLC, is the incumbent and one of ACTA's proposed subcontractors. . . . ACTA and UNCOMN were both subcontractors under the Predecessor Contract." Supp. COS/MOL at 5 n.1.

those risks by integrating with the DevSecOps<sup>6</sup>] processes. The offeror's approach will minimize/mitigate potential risks of securing enterprise cloud services and, in turn, reduces the likelihood of exposure to threats and security issues.

Example: The offeror outlined five sample security risks and three security considerations, which accurately reflect the concerns of USTRANSCOM's cloud migration efforts. (Reference Table 2 and paragraph 5.4.1.)

AR, Tab 101, UNCOMN Technical Evaluation Worksheet at 7-8.

ACTA's proposal also addressed security related services in cloud environments; ACTA discussed three factors as "part of a larger overall strategy to cloud security," and provided a table that identified 11 risks and "mitigation demonstrating the ACTA Team's ability to manage risk when designing/building enterprise services." AR, Tab 39, ACTA Technical/Management Proposal at 43-45 (section 4.4). In its evaluation, the agency did not identify a strength, but concluded that ACTA's proposal "met the requirements of the PWS." AR, Tab 73, ACTA Technical Evaluation Worksheet at 6.

ACTA argues that it identified more sample security risks than UNCOMN. Comments & Supp. Protest at 9-10. As the agency explains, it did not count the number of sample risks identified by each offeror to determine a strength in the proposal. Supp. COS/MOL at 6. ACTA also argues that it identified many of the same security risks in its proposal as UNCOMN. Comments & Supp. Protest at 11. ACTA states that, for example, it noted a lack of defined strategy for the shared responsibility model for different cloud delivery models, a need to update elastic block store existing data government policies, and vulnerabilities related to AWS cloud services. *Id.*

However, as the agency explains, the security risks identified in UNCOMN's proposal were "extremely relevant to security for services in a cloud environment. . . [and] included accurate assessments and detailed mitigation to those risks." Supp. COS/MOL at 6-7; *see also* AR, Tab 101, UNCOMN Technical Evaluation Worksheet at 8 (UNCOMN's sample security risks and considerations "accurately reflect the concerns of USTRANSCOM's cloud migration effort."). The agency also explains that ACTA's proposal identified risks that did not address security related to services in a cloud environment as required by the RFP. Supp. COS/MOL at 6-7. For example, the agency explains that one of ACTA's examples, relating to the application of authority to operate, did not address security related to services in the cloud environment. *Id.* at 7. While the protester may disagree with the agency's conclusions, we find the agency's evaluation unobjectionable.

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<sup>6</sup> The solicitation never specifically defines "DevSecOps." However, we understand the term to represent the philosophy of integrating security (Sec) practices into the DevOps process, a set of software development practices that combine software development (Dev) and information technology operations (Ops) to shorten the systems development life cycle. *See CSRA LLC, B-417635 et al.*, Sept. 11, 2019, 2019 CPD ¶ 341 at 10 n.6.



## Past Performance

The protester challenges multiple aspects of the agency's evaluation of past performance, and argues that the agency should not have assigned both UNCOMN and ACTA ratings of substantial confidence. See Protest at 25-28. Specifically, ACTA argues that the agency's conclusions regarding the relevancy of UNCOMN's past performance failed to comply with the RFP criteria. Comments & Supp. Protest at 14-19. ACTA additionally argues that the evaluation unequally and unreasonably disregarded past performance by ACTA that was very relevant, while making greater efforts to secure missing past performance information to evaluate UNCOMN's proposal. *Id.* at 19-21. The agency argues that its evaluation was fair and reasonable, and that it made the same efforts to secure missing information for all offerors when evaluating past performance. MOL at 25-31; Supp. COS/MOL at 10-17.

The evaluation of an offeror's past performance is within the discretion of the contracting agency, and we will not substitute our judgment for reasonably based past performance ratings. *MFM Lamey Group, LLC*, B-402377, Mar. 25, 2010, 2010 CPD ¶ 81 at 10. Where a solicitation calls for the evaluation of past performance, we will examine the record to ensure that the evaluation was reasonable and consistent with the solicitation's evaluation criteria and procurement statutes and regulations. *Divakar Techs., Inc.*, B-402026, Dec. 2, 2009, 2009 CPD ¶ 247 at 5. The relative merits of an offeror's past performance information is generally within the broad discretion of the contracting agency. See *Paragon Tech. Group, Inc.*, B-407331, Dec. 18, 2012, 2013 CPD ¶ 11 at 5. A protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. *FN Mfg., LLC*, B-402059.4, B-402059.5, Mar. 22, 2010, 2010 CPD ¶ 104 at 7.

As noted, the RFP required that each offeror submit at least one and a maximum of five past performance references that the prime contractor considered relevant to demonstrate its ability to perform the requirements. RFP at 29-30. The RFP additionally stated that if a reference was submitted for a subcontractor, the prime offeror was required to clearly state what areas of the work the proposed subcontractor would perform under the current requirement. *Id.* The RFP also stated that offerors should demonstrate the ability to perform the work identified in the following three performance areas: enterprise architecture and/or DODAF support; enterprise data management support; and, enterprise engineering support. *Id.*; see also *id.* at 36 (stating that the past performance must demonstrate performance in the three work areas identified to be determined relevant). The RFP further stated: "Each reference does not need to reflect performance in all identified performance areas; however, the Government will give greater consideration to references that reflect past performance in multiple performance areas." *Id.* at 30. In addition, the RFP stated that past performance efforts within the Department of Defense would receive greater consideration than work performed for other organizations. *Id.* at 36.

The RFP further stated that the assessment of the quality of past performance would be based on a comprehensive evaluation of past performance questionnaire (PPQ) responses, Past Performance Information Retrieval System (PPIRS) information, Federal Awardee Performance and Integrity Information System (FAPIIS) information, Electronic Subcontract Reporting System (eSRS) information, and/or interviews with government mission partners. *Id.* at 36-37. The RFP also stated that when assigning a confidence rating, past performance “which cannot be validated by a source other than the offeror will not be considered.” *Id.* at 37.

In its proposal, UNCOMN identified a total of five past performance efforts, two for itself and one for each of its three subcontractors. AR, Tab 54, UNCOMN Past Performance Proposal at 8. All five references were deemed to be recent and one was somewhat relevant, one was relevant, and three were very relevant. AR, Tab 74, UNCOMN Past Performance Proposal Evaluation at 9-10.

Regarding the evaluation of UNCOMN’s past performance, the protester argues that the agency’s evaluation did not comply with the RFP criteria, which required that each contract reference demonstrate experience in all three performance areas identified in the RFP, and should have assigned lower relevance ratings to UNCOMN’s subcontractor reference contracts. In addition, ACTA argues that the agency should also have assigned lower ratings to UNCOMN’s references that were significantly lower in dollar value when compared to the RFP’s requirements. Comments & Supp. Protest at 18-19; Supp. Comments at 6-7. The agency argues that the solicitation is unambiguous and ACTA’s interpretation is unreasonable. Supp. COS/MOL at 13-14.

Where a protester and an agency disagree over the meaning of solicitation language, we will resolve the matter by first assessing whether each posited interpretation is reasonable. *BICALLIS, LLC*, B-415639, Feb. 1, 2018, 2018 CPD ¶ 90 at 4. An interpretation is reasonable when it is consistent with the solicitation when read as a whole and gives effect to each of its provisions. *AHNTECH, Inc.*, B-291998, Apr. 29, 2003, 2003 CPD ¶ 90 at 2. Furthermore, we defer to the plain meaning of the provision. *Point Blank Enters., Inc.*, B-411839, B-411839.2, Nov. 4, 2015, 2015 CPD ¶ 345 at 4.

In our view, the protester’s interpretation is not reasonable. As noted, the RFP did not require that contract references demonstrate experience in all three RFP-identified performance areas; rather, the RFP explicitly stated “[e]ach reference does not need to reflect performance in all identified performance areas” but that greater consideration would be given to references that demonstrated experience in multiple areas. RFP at 30. Here, the record shows that based on its review of UNCOMN’s subcontractors’ PPQs and Contractor Performance Assessment Reporting System (CPARS) reports, the agency rated two of UNCOMN’s subcontractor references as very relevant. The agency concluded that both references demonstrated performance in all three of the work areas specifically identified in the RFP and the dollar value of the efforts “supports the magnitude” of the RFP requirement. AR, Tab 74, UNCOMN Past Performance Proposal Evaluation at 3-5. The agency rated the third subcontractor reference as relevant based on its conclusion that it demonstrated performance in two of the three

performance areas identified in the RFP, and that the dollar value “supports the magnitude” of the RFP requirement. *Id.* at 1. On this record, we find the agency’s relevance ratings for UNCOMN’s subcontractors’ past performance references to be reasonable.

Regarding UNCOMN’s past performance efforts, UNCOMN identified two task orders performed as a subcontractor to Trident under the incumbent contract. AR, Tab 54, UNCOMN Past Performance Proposal at 16-20. In both of these task orders, UNCOMN identified experience in all three of the RFP-identified performance areas. *Id.* The agency assigned a rating of very relevant to one of the references based on its conclusion that the reference demonstrated experience in two of the three RFP-identified performance areas. AR, Tab 74, UNCOMN Past Performance Proposal Evaluation at 7. For the other reference, the agency assigned a rating of relevant; the agency concluded that the dollar value of the effort did “not support the magnitude” of the requirement, and that UNCOMN had demonstrated experience in only one of the RFP-identified performance areas. *Id.* at 8.

As noted, the RFP stated past performance efforts within the Department of Defense would receive greater consideration. RFP at 36. Additionally, nothing in the RFP required that the agency exclude from consideration a past performance effort based solely on the dollar value of the reference in relation to that of the RFP requirement. Instead, the RFP stated as follows: “Relevant past performance means providing evidence demonstrating experience with past contracts in similar size and scope.” RFP at 30; *see also* RFP at 36 (relevant means the past performance effort involved similar scope and magnitude of effort and complexities). Although both references were valued below \$3 million, in light of its conclusion that UNCOMN demonstrated experience in the RFP-identified performance areas and the work was performed on the incumbent contract, we find the agency’s relevancy ratings for UNCOMN’s references unobjectionable.

Further, we find no merit to ACTA’s assertions that the agency made unequal efforts to secure evaluation information for the offerors. Here, the record shows that ACTA submitted a reference for its proposed subcontractor for a contract performed for the Army. AR, Tab 40, ACTA Past Performance Proposal at 14-16. Based on the information provided in the proposal, the agency concluded that the offeror had not demonstrated experience in any of the RFP-identified performance areas, and assigned a rating of not relevant. AR, Tab 105, ACTA Past Performance Evaluation at 9-10. Additionally, the agency made three attempts to contact the individual identified as the point of contact for a PPQ for this past performance effort, however, no response was received.<sup>7</sup> COS at 9 n. 4; Supp. COS/MOL at 14; AR, Tab 104, Memorandum re ACTA’s PPQs.

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<sup>7</sup> The record shows that the agency reviewed the CPARS reports from this past performance reference and noted that “[t]he offeror received and maintained ratings of [satisfactory]” and indicated the agency “[would] recommend the contractor for similar

The agency likewise attempted to secure submission of a PPQ for UNCOMN from Trident, one of ACTA's proposed subcontractors for this requirement. Trident failed to complete PPQs on UNCOMN's behalf for the task orders UNCOMN performed as a subcontractor on the incumbent contract. COS at 25; see *also* AR, Tab 59, Email from Trident to Agency, Aug. 6, 2019. Accordingly, the agency verified UNCOMN's past performance using input from SSEB members who were contracting officer representatives on the subject task orders, in conjunction with the CPARS reports for the task orders, and noted that the respondents assigned ratings of very good and exceptional and would recommend the contractor for similar requirements in the future. AR, Tab 74, UNCOMN Past Performance Proposal Evaluation at 7-9. The RFP stated that the agency would consider PPQ responses, PPIRS, FAPIIS, eSRS, and/or interviews with government mission partners. RFP at 36-37. Under the RFP, we find nothing improper about the agency's consideration of SSEB members' personal knowledge regarding UNCOMN's performance as a subcontractor on the referenced task orders performed on the incumbent contract.

Finally, ACTA argues that the agency improperly rated UNCOMN highly based on an over-reliance on the past performance of its proposed subcontractors. Protest at 26-27. Here, as noted, the RFP permitted offerors to submit past performance information for proposed subcontractors and identify the performance work areas to be performed by the subcontractors.<sup>8</sup> RFP at 30. Because the solicitation expressly anticipated consideration of a subcontractor's relevant experience in evaluating an offeror's ability to perform the solicitation requirements, it was reasonable for the agency to also favorably consider UNCOMN's subcontractors' prior experience in evaluating UNCOMN's ability to perform the requirement. See *AMTIS-Advantage, LLC*, B-411623, B-411623.2, Sept. 16, 2015, 2015 CPD ¶ 360 at 8.

As noted, the agency assigned both offerors a rating of substantial confidence. The record shows that based on the responses provided in UNCOMN's past performance information, the ratings were very good to exceptional and stated that the contractor would be recommended for similar requirements and/or award in the future. AR, Tab 74, UNCOMN Past Performance Evaluation at 10. Similarly, the past performance references considered for ACTA's proposal consisted of a task order performed by ACTA as a subcontractor on the incumbent contract and three task orders performed by Trident as the incumbent contractor. AR, Tab 105, ACTA Past Performance Evaluation Worksheet at 1-8. In addition, the past performance ratings included ratings of satisfactory to exceptional, and indicated that the contractor would be recommended for

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requirements in the future[,]" but the reviewing official "identified issues accomplishing contractual requirements." AR, Tab 105, ACTA Past Performance Evaluation at 10.

<sup>8</sup> The RFP also required that offerors provide letters of consent from the offeror's proposed subcontractors to allow discussion of the subcontractor's past performance information in evaluation of the offeror's proposal. RFP at 30.

similar requirements and/or award in the future. *Id.* at 11. On this record, we find the past performance evaluation was reasonable.

### Best-Value Tradeoff

Finally, the protester argues that the source selection decision was unreasonable based on the agency's flawed evaluation, and fails to adequately justify the award to UNCOMN at such a significant (57 percent) price premium. Protest at 28-29; Comments & Supp. Protest at 21-26. The agency argues that it reasonably considered ACTA's lower price, however, the technical superiority and lower risk presented by UNCOMN's proposal are worth the price premium. MOL at 31-33; Supp. COS/MOL at 17-21.

As noted, the RFP stated that award would be made on the basis of a best-value tradeoff between the following factors, listed in descending order of importance: technical/management, past performance, and price. RFP at 33-34. The record shows that the agency convened a source selection advisory council (SSAC) that "reviewed the evaluation results of the SSEB to ensure the evaluation process followed the evaluation criteria and the ratings were appropriately and consistently applied." AR, Tab 107, SSAC Comparative Analysis at 31. The SSAC noted that ACTA was the second most highly rated offeror, demonstrated adequate knowledge and understanding of the requirements, and presented a risk of unsuccessful performance that is no worse than moderate. *Id.* at 29. In its evaluation of price, the SSAC also noted that ACTA's total evaluated price of \$87,809,236 was fair and reasonable, however, 30 of 52 proposed labor rates were found to be unrealistic. *Id.* at 26.

For UNCOMN, the SSAC noted that UNCOMN was the most highly rated offeror in all three technical/management subfactors, demonstrated exceptional knowledge and understanding of the requirements, and presented a low risk of unsuccessful contract performance. *Id.* at 30. UNCOMN's total evaluated price was also found to be fair and reasonable, and all of its proposed labor rates were considered realistic. *Id.* at 28. Relative to the other offerors' total evaluated prices, ACTA's price was the lowest, UNCOMN's price was the third lowest, and both were lower than the agency's independent government cost estimate (IGCE) of \$193,968,235. *Id.* at 26, 28; *see also* AR, Tab 6, IGCE, Summary Worksheet. In its assessment, the SSAC concluded that UNCOMN's proposal represented the best value to the government based on its total evaluated price and technical superiority, explaining in pertinent part as follows:

It is not reasonable to calculate a purported price premium in relation to a proposal that relies so heavily upon unrealistic labor rates for so many positions that are required to be filled under this contract. Any such calculation of this premium would be based upon the unreasonable speculation that ACTA would be able to perform under the contract without the logical disruption associated with its unrealistic labor rates for so many labor categories. This is especially true where the departures from incumbent rates and the IGCE are so substantial. In many instances, ACTA's proposed rates represent a reduction of [DELETED] or

more from the historical prices paid. It is not reasonable to believe that ACTA will be able to hire and retain qualified competent individuals for these positions at rates of compensation that depart so substantially than rates that have historically been paid and rates that are indicated by the IGCE. . . . The Government is willing to pay a price premium to capitalize on the strengths of UNCOMN's approach and to avoid the risk of unsuccessful performance due to the inability to hire and retain qualified personnel in over 50% of the labor categories[.]

AR, Tab 107, SSAC Comparative Analysis at 31-32. The source selection authority reviewed and accepted the findings and recommendation of the SSEB and SSAC, and selected UNCOMN's proposal for award. AR, Tab 108, Source Selection Decision.

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results, and their judgments are governed only by the tests of rationality and consistency with the stated evaluation criteria. *The SI Organization, Inc.*, B-410496, B-410496.2, Jan. 7, 2015, 2015 CPD ¶ 29 at 14. Where, as here, a solicitation provides for a tradeoff between the price and non-price factors, the agency retains discretion to make award to a firm with a higher technical rating, despite the higher price, so long as the tradeoff decision is properly justified and otherwise consistent with the stated evaluation and source selection scheme. See, e.g., *TtEC-Tesoro, JV*, B-405313, B-405313.3, Oct. 7, 2011, 2012 CPD ¶ 2 at 10. In reviewing an agency's source selection decision, we examine the supporting record to determine if it was reasonable and consistent with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *The SI Organization, Inc.*, *supra*.

As discussed above, we find no merit to ACTA's objections to the agency's evaluation under the technical/management and past performance factors. Thus, there is no basis to question the agency's reliance upon those evaluation judgments in making its source selection, and the protester's disagreement in that regard does not establish that the agency acted unreasonably or provide a basis to sustain its protest.

The protest is denied.

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General Counsel