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## Decision

**Matter of:** CACI, Inc.-Federal

**File:** B-418400.7; B-418400.8

**Date:** April 29, 2021

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Michael P. Grogan, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest alleging agency unreasonably reevaluated proposals after taking corrective action is denied where the record shows the reevaluation was reasonable and in accordance with the stated evaluation criteria.

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### DECISION

CACI, Inc.-Federal, of Arlington, Virginia, protests the issuance of a task order to ManTech Advanced Systems International, Inc., of Herndon, Virginia, under request for proposals (RFP) No. 70SBUR19R00000038, issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), for information technology architecture and engineering services. The protester contends that the agency's evaluation of proposals was unreasonable and that its best-value decision was flawed.

We deny the protest.

### BACKGROUND

The agency issued the RFP on July 18, 2019, to firms holding contracts under the General Services Administration's (GSA) Alliant 2 multiple-award indefinite-delivery, indefinite-quantity (IDIQ) contract, pursuant to the procedures of Federal Acquisition Regulation (FAR) subpart 16.5. Agency Report (AR), Tab 3, Conformed RFP at 1. The solicitation anticipated the issuance of a single hybrid fixed-price and time-and-materials

task order, with a 1-year base period of performance and four 1-year option periods. *Id.* The contemplated task order seeks architecture and engineering services (AES) to implement information technology (IT) solutions for USCIS's enterprise systems. *Id.* Specifically, the agency sought contractor support across six specified task areas, including program management, network deployment and operations, and cloud engineering. *Id.*, attach. 1, Performance Work Statement (PWS) at 4.

The solicitation advised that award would be made on best-value tradeoff basis, using a two-phased evaluation. RFP at 62. During the first phase, USCIS would consider the following factors, listed in descending order of importance, to make an initial best-value determination: (1) technical approach; (2) management approach; (3) past performance; and (4) price. *Id.* In phase two of the competition, USCIS would invite those offerors with proposals representing the best value to the agency under the phase one evaluation criteria to participate in oral presentations. *Id.* Then, the agency would evaluate proposals against the established evaluation criteria--where oral presentation was the most important factor, followed by the phase one evaluation factors in the same order of importance--and would make a new best-value decision using a tradeoff process. *Id.* The solicitation provided that the non-price factors, when combined, were significantly more important than price. *Id.* The solicitation further advised that USCIS would utilize an adjectival confidence-rating scheme to evaluate an offeror's technical approach, management approach, and oral presentation, with three possible ratings: high confidence; some confidence; and low confidence. *Id.* at 62-63. For past performance, the agency would assign adjectival risk ratings of low risk, medium risk, and high risk. *Id.* at 63.

Under the technical approach factor, the RFP required the agency to evaluate offerors on the extent to which their proposed approaches demonstrated an ability to perform the PWS requirements and showed a clear and thorough understanding of the AES requirements. *Id.* at 57. Concerning management approach, the solicitation advised the agency would determine its confidence in an offeror's proposed approach by evaluating whether its proposal meets or exceeds the requirements of the PWS task areas. *Id.* at 59. Under this factor, the solicitation further stated that the agency would evaluate proposals against specific criteria in the following areas: program and project management; staffing mix and narrative; and recruitment and retention. *Id.* at 59-60. The past performance factor required the agency to evaluate the extent of an offeror's experience with the PWS task areas, and whether the offeror's performance history demonstrates a pattern of consistency and successful performance in the areas of quality, schedule, cost control, and management. *Id.* at 60-61. Price would be evaluated for reasonableness. *Id.* at 61.

For the oral presentation factor, the solicitation advised the agency would evaluate an offeror's methodology in response to a hypothetical scenario, and assess understanding of the requirement, proposed approach, and likely success of the approach when performing the AES contract. *Id.* at 60. Furthermore, the agency would evaluate the "extent to which the Offeror's Oral Presentation demonstrates how successfully they will work through the Agile process, to include planning, scheduling and delivering a

solution” and “[h]ow the Offeror will utilize its proposed technical approach and management approach to deliver the solution.” *Id.*

USCIS received multiple proposals by the submission deadline, to include proposals from CACI and ManTech; both firms were invited to provide oral presentations during phase two of the evaluation. See AR, Tab 6, Technical Evaluation Committee (TEC) Initial Report. Following its evaluation of proposals in phase two, USCIS concluded that CACI’s proposal represented the best value to the agency and issued the task order to CACI on December 24.

On January 8, 2020, ManTech filed a protest with our Office, arguing that CACI’s proposed transition and overall staffing were inadequate, and that the agency’s evaluation of ManTech’s technical proposal and oral presentation were unreasonable. Following multiple rounds of briefing, the GAO attorney assigned to the protest conducted an outcome prediction alternative dispute resolution (ADR) teleconference call on April 2. During the ADR teleconference call, the GAO attorney informed the parties that the protest would likely be sustained in part, and denied in part. Following the ADR teleconference, the agency advised that it intended to take corrective action by reevaluating proposals and making a new selection decision. Our Office subsequently dismissed ManTech’s protest as academic. *ManTech Advanced Systems International, Inc.*, B-418400.1 *et al.*, April 7, 2020 (unpublished decision).<sup>1</sup>

Following two rounds of discussions, the agency advised that final proposal revisions (FPRs) were due on November 10; both CACI and ManTech submitted final proposals by that date. Contracting Officer’s Statement (COS) at 3. After evaluating final proposal submissions, the agency again invited both offerors to participate in phase two of the competition and provide oral presentations regarding a new hypothetical scenario; the offerors made their oral presentations on December 16. *Id.* at 9-10.

The following is a summary of the agency’s final ratings of CACI and ManTech:

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<sup>1</sup> Subsequent to this decision, ManTech filed two additional protests challenging the scope of the agency’s corrective action. Our Office dismissed the first of these protests as premature, *ManTech Advanced Systems International, Inc.*, B-418400.5, June 25, 2020 (unpublished decision), and dismissed the second as academic, following the agency’s decision to take corrective action again. *ManTech Advanced Systems International, Inc.*, B-418400.6, September 25, 2020 (unpublished decision) (USCIS’s corrective action notice stated that it would conduct discussions and allow for proposal revisions, without restriction).

	<b>CACI</b>	<b>ManTech</b>
<b>Oral Presentation</b>	Some Confidence	Some Confidence
<b>Technical Approach</b>	High Confidence	Some Confidence
<b>Management Approach</b>	Some Confidence	Some Confidence
<b>Past Performance</b>	Low Risk	Low Risk
<b>Price</b>	\$120,303,456	\$94,937,881

AR, Tab 44, Source Selection Decision Document (SSDD) at 12.

The source selection official (SSO), who is also the contracting officer for the procurement, conducted an independent review of the evaluation materials and decided that ManTech’s proposal represented the best value to the agency. *Id.* at 17. In so finding, the SSO noted that while CACI’s proposal provided a number of benefits over ManTech’s under the technical approach factor, ManTech provided a superior solution under the most important evaluation factor, oral presentation. *Id.* at 16. The SSO concluded that despite CACI’s superior technical approach, he could not “justify an award to a proposal that presents a considerably higher price (a premium of \$25,365,574.85 or 26.72%) to achieve only slightly superior performance capabilities.” *Id.* The agency issued a task order to ManTech on January 14, 2021. Following a written debriefing, CACI filed this protest on January 22.<sup>2</sup>

## DISCUSSION

The protester marshals several challenges to the agency’s selection of ManTech as the best value to the government. First, CACI argues the agency’s evaluation of proposals under the management approach factor was unreasonable and unequal. Protest at 17-24; Comments and Supp. Protest at 4-10; Supp. Comments at 1-3. Second, the protester challenges USCIS’s evaluation of its oral presentation, arguing the evaluation was flawed, and that the agency failed to conduct meaningful discussions concerning an evaluated weakness identified during the evaluation. Protest at 29-38; Comments and Supp. Protest at 12-24. Lastly, CACI challenges various aspects of the SSO’s best-value tradeoff analysis. Comments and Supp. Protest at 25-31; Supp. Comments at 3-5. For the following reasons, we find no basis on which to sustain the protest.<sup>3</sup>

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<sup>2</sup> Based on the approximately \$95 million value of the task order, the protest falls within our statutory grant of jurisdiction to hear protests in connection with task and delivery orders valued in excess of \$10 million issued under civilian agency multiple-award IDIQ contracts. 41 U.S.C. § 4106(f).

<sup>3</sup> CACI raises other collateral allegations, and although our decision does not specifically address them all, we have considered each argument and find that none provides a basis on which to sustain the protest. For example, the protester argues that the agency unreasonably changed ManTech’s past performance rating from medium risk (after USCIS’s initial evaluation of proposals) to low risk (following the agency’s evaluation of FPRs). Protest at 38-39; Comments and Supp. Protest at 24-25. While

## Management Approach

CACI challenges the agency's evaluation under the management approach factor, where both proposals received an adjectival rating of some confidence. Concerning ManTech's proposal, the protester contends that ManTech should have received a significant weakness and a rating of low confidence because ManTech's staffing levels, when compared to the independent government estimate (IGE), were inadequate to perform the AES work. Protest at 17-19; Comments and Supp. Protest at 4. CACI also challenges the agency's evaluation of its own management approach. The protester disputes the agency's assignment of performance risk on the basis that CACI's staffing was, in some instances, less than 40 percent of the government's staffing estimate at the PWS subsection level. Protest at 19-21; Comments and Supp. Protest at 7. In addition, CACI argues the agency unreasonably overlooked two strengths in its proposal. Protest at 21-22; Comments and Supp. Protest at 7-8. Had the agency properly evaluated proposals, CACI contends, its management approach would have been rated high confidence, while ManTech's proposal would have been rated low confidence. Comments and Supp. Protest at 8-10; Supp. Comments at 1-3.

As noted above, the task order competition here was conducted pursuant to FAR subpart 16.5. The evaluation of proposals in a task order competition is primarily a matter within the contracting agency's discretion because the agency is responsible for defining its needs and the best method of accommodating them. *Engility Corp.*, B-413120.3 *et al.*, Feb. 14, 2017, 2017 CPD ¶ 70 at 15. When reviewing protests of an award in a task order competition, we do not reevaluate proposals, but examine the record to determine whether the evaluation and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *DynCorp Int'l LLC*, B-411465, B-411465.2, Aug. 4, 2015, 2015 CPD ¶ 228 at 7.

Here, the solicitation instructed offerors to describe their management approach to meeting the requirements of the PWS. This required offerors to submit a staffing plan that would "sufficiently demonstrate a clear and thorough understanding of the

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the agency advised that in requesting FPRs USCIS was not seeking additional information concerning past performance, the agency expressly provided it would review the Past Performance Information Retrieval System (PPIRS) for updated information concerning submitted references. See Protest, exh. F, CACI FPR Instructions. The record demonstrates the agency reviewed updated contract performance information for ManTech in PPIRS. The new information for one of its references (showing that ManTech earned a rating of very good for quality, and ratings of satisfactory for schedule, cost control, management, and regulatory compliance) warranted an upward adjustment to the firm's past performance risk rating. See AR, Tab 43, Business Evaluation Committee Report at 10. We conclude that the agency's actions were unobjectionable and consistent with the terms of the RFP. *Recogniti, LLP*, B-410658, Jan. 21, 2015, 2015 CPD ¶ 49 at 3. Accordingly, this protest ground is denied.

requirements in order to meet or exceed all of the PWS task areas.” RFP at 52. Specifically, the RFP required each offeror to complete a staffing matrix to identify staffing for the task areas, and to propose “staffing by teams to address each PWS subsection.” *Id.* The RFP further provided that while it was the government’s expectation that dedicated teams and resources would be applied to each PWS subsection, firms could propose teams responsible for more than one subsection, if this approach was explained in the proposal narrative. *Id.* The RFP expressly indicated that the agency would evaluate an offeror’s proposed management approach (to include its staffing plan) to determine the extent to which it “[a]ddresses each task area of the AES PWS, including staffing by teams to address each PWS subsection.” *Id.* at 59.

As part of its evaluation, the TEC examined proposed staffing levels across all of the PWS task areas. AR, Tab 33, TEC FPR Report at 17. The record reflects the TEC compared proposed total staffing levels with the IGE’s estimated staffing levels and analyzed proposed staffing mixes (that is, the number of positions by labor category).<sup>4</sup> *Id.* at 16. Per the solicitation’s instructions, the TEC also examined proposed staffing at the individual PWS subsection level. *Id.* at 16 (the TEC noted that this subsection “comparison provides a more detailed view into the overall staffing plan and allows the TEC to look for task area specific issues.”). When conducting its evaluation, if an offeror’s staffing level was less than 40 percent of the IGE’s level for a given PWS subsection, the agency assigned performance risk on the basis that the relatively low staffing level would require agency intervention during performance of the contract. *Id.* at 13; COS at 6. The record demonstrates that both CACI and ManTech fell below this threshold in four PWS subsections, and both offerors received weaknesses for their staffing shortfalls in those four subsections, respectively. See AR, Tab 33, TEC FPR Report at 13, 17-18.

Notwithstanding CACI’s challenges, we find nothing objectionable with the agency’s evaluation of proposals under the management approach factor. First, we disagree with the protester’s assertion that the agency should have assigned ManTech’s management approach a significant weakness because its level of staffing was, in CACI’s view, unreasonably low. See Comments and Supp. Protest at 4-5. The protester, essentially, argues that the agency should have downgraded ManTech’s proposed staffing based on an examination of the top-level staffing and ManTech’s staffing at the PWS section level (rather than a focus on the subsection level) because such an evaluation “masked the true staffing level differences.” *Id.* at 8. As an example, the protester points to PWS section 5 (concerning architecture and engineering tasks): ManTech proposed [DELETED] full-time equivalents (FTEs) for this section, while the IGE stated 38 FTEs would be necessary to perform the required services. AR, Tab 33, TEC FPR Report at 16-17. Thus, for PWS section 5 as a whole, ManTech proposed [DELETED] fewer FTEs than the IGE. In CACI’s view, this created

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<sup>4</sup> CACI withdrew its protest allegations concerning the agency’s evaluation of ManTech’s staffing mix. See Supp. Comments at 3, n.1.

a risk that ManTech would be unable to perform the requirements of the contract.<sup>5</sup> Comments and Supp. Protest at 4.

The RFP, however, instructed offerors to propose “staffing by teams to address each PWS subsection” and advised that the agency would evaluate the extent to which an offeror’s approach addressed each task area, “including staffing by teams to address each PWS subsection.” RFP at 52, 59. Thus, the plain terms of the solicitation contemplated the agency’s evaluation of staffing at the subsection level. Indeed, the record demonstrates that although ManTech proposed [DELETED] fewer FTEs for the whole of PWS section 5, only in two subsections did ManTech drop below the agency’s 40 percent threshold; the agency assigned ManTech weaknesses for its staffing in those subsections. AR, Tab 33, TEC FPR Report at 17.

Moreover, we cannot conclude that the agency’s evaluation approach was unreasonable. Indeed, given that the PWS subsections provide the specific tasks that a contractor would be required to perform under this requirement, the agency’s consideration of staffing for these tasks (that is, at the lowest staffing level) seems reasonable on its face. While CACI disagrees with the agency’s evaluation approach and conclusions, such disagreement does not demonstrate that the agency’s judgments are unreasonable. *Science Applications Int’l Corp.*, B-413112, B-413112.2, Aug. 17, 2016, 2016 CPD ¶ 240 at 6.

Next, challenging its own evaluation, CACI disputes the TEC’s assignment of risk to the areas where its own staffing levels for a given PWS subsection were less than 40 percent of the IGE’s staffing levels.<sup>6</sup> Protest at 19-21; Comments and Supp. Protest at 7. According to CACI, the agency’s method for applying weaknesses fails to account for broader staffing differences found at the PWS section level, and that CACI’s personnel, relying on Agile processes, were “multi-disciplined, cross-trained, and otherwise able and prepared to assist in whatever task area presents the need.” Protest at 21. In essence, because its overall staffing levels were consistent with those of the IGE, CACI argues there was no reasonable basis for the agency to assign weaknesses based on those areas where its proposed subsection staffing levels were significantly below the IGE.

Again, we find nothing objectionable about the agency’s evaluation. As previously discussed, because the PWS identified the substantive responsibilities of the AES contract at the PWS subsection level, the agency reasonably focused its evaluation of proposed staffing at this level, rather than the PWS section level, or the proposed top-

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<sup>5</sup> ManTech’s total staffing for the entire AES requirement was [DELETED] FTEs below the IGE (103 FTEs vs. [DELETED] FTEs). AR, Tab 33, TEC FPR Report at 17. CACI proposed [DELETED] total FTEs. *Id.* at 12.

<sup>6</sup> CACI, like ManTech, received four weaknesses under the management approach factor because its staffing in four PWS subsections was 40 percent or below the IGE. See Tab 33, TEC FPR Report at 12-13, 17-18.

line staffing level. While CACI believes its personnel have the ability to support any potential staffing shortfalls for a given subsection through its use of Agile processes and through reassignment of its “multi-disciplined” and “cross-trained” workforce, the protester’s proposal failed to demonstrate its commitment to this approach. Offerors bear the responsibility for submitting well-written proposals, with adequately detailed information that clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. *URS Group, Inc.*, B-402820, July 30, 2010, 2010 CPD ¶ 175 at 3-4.

CACI also argues that the agency failed to credit its management approach with two strengths for its proposed use of [DELETED] and for its Agile-based approach. Protest at 21-22; Comments and Supp. Protest at 7-8. The record reflects that during its initial evaluation, USCIS did credit CACI with a strength for its Agile teams approach, but following its reevaluation of FPRs, removed the strength.<sup>7</sup> See AR, Tab 6, TEC Initial Report at 14. The fact that a reevaluation varies, or does not vary, from an original evaluation does not constitute evidence that the reevaluation was unreasonable; it is implicit that a reevaluation could result in different findings and conclusions. See *IAP World Servs., Inc.*, B-406339.2, Oct. 9, 2012, 2012 CPD ¶ 287 at 3-4. 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’s reevaluation and technical ratings were unreasonable because agency did not explain why evaluations differed between the initial evaluation and reevaluation undertaken following corrective action). Here, CACI’s implicit assertion that the agency’s initial evaluation constituted the touchstone against which its final evaluation must compare presents a false premise. Instead, the final evaluation record presented, here, demonstrates the agency’s consideration of the merits of the firm’s proposal. We find no basis to conclude that the agency’s discretionary evaluation judgements are unreasonable. As such, this protest allegation is denied.

#### Oral Presentation

CACI also challenges the agency’s evaluation of its oral presentation, arguing the agency unreasonably found a weakness with its response to a hypothetical problem, and improperly deleted two strengths assessed during the agency’s initial evaluation.

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<sup>7</sup> The agency did not, during its initial evaluation, credit CACI’s management approach with a strength for its use of [DELETED]. See AR, Tab 6, TEC Initial Report at 14. An agency’s judgment that the features identified in the proposal did not significantly exceed the requirements of the RFP, and thus did not warrant the assessment of unique strengths, is a matter within the agency’s discretion and one that we will not disturb where the protester has failed to demonstrate that the evaluation was unreasonable. *Protection Strategies, Inc.*, B-416635, Nov. 1, 2018, 2019 CPD ¶ 33 at 8 n.4. Here, the protester fails to show that the agency’s failure to assign a strength for CACI’s use of [DELETED] was unreasonable, and, thus, this allegation is without merit.



Protest at 29-36; Comments and Supp. Protest at 12-22. Moreover, the protester alleges the agency failed to engage in meaningful discussions with CACI concerning the evaluated weakness in its oral presentation. Protest at 36-38; Comments and Supp. Protest at 22-24. CACI's allegations provide no basis for our Office to sustain the protest.

As explained above, following the agency's decision to take corrective action in response to protests filed by ManTech, the agency conducted a new round of oral presentations with a different hypothetical scenario than the one used during the initial competition. COS at 6-7; *compare* AR, Tab 7, Initial Oral Presentation Scenario *with* AR, Tab 38, Final Oral Presentation Scenario. Based on CACI's second oral presentation responding to the new hypothetical scenario, the agency assigned CACI two strengths and a weakness. The weakness was based on aspects of CACI's intention to increase automation through its use of Kubernetes, an open-source system for automating deployment, scaling, and management of containerized applications. Among other things, the TEC found that CACI's overall implementation of Kubernetes "was only minimally addressed[.]" that implementing such a tool "would be a vast undertaking of considerable duration[.]" and that the oral presentation did not fully cover the full schedule, duration, complexity, feasibility, or practicality of the solution. AR, Tab 42, TEC Report on Second Oral Presentation at 6. Overall, the TEC assigned CACI's oral presentation a rating of "some confidence." *Id.* at 5.

CACI chafes at the assigned weakness, contending it sufficiently addressed each of the agency's critiques cited by the TEC, and that the agency's conclusions are without merit. See Comments and Supp. Comments at 12-16. For example, the protester argues the TEC's conclusion that the "overall implementation of 'Kubernetes' was only minimally addressed across the presentation" was simply untrue. *Id.* at 13. CACI points to portions of its slides, presentation, and presentation script to show that the firm amply referenced Kubernetes, explained why CACI selected it as its tool of choice, and the benefits that would accrue to the agency as a result of its use. See *id.* at 13-14; AR, Tab 41, CACI's Second Oral Presentation Slides at 22-25, 28-29, 44-45. These references, however, do not meaningfully address the agency's concerns, which related to how CACI would implement Kubernetes. Accordingly, we have no basis to question the assigned weakness.

CACI also argues the agency unreasonably "removed" two strengths previously assigned during the evaluation of the initial oral presentation. Comments and Supp. Protest at 16-22. During its initial evaluation, USCIS assigned CACI's initial oral presentation four strengths: (1) understanding of the AES requirements and an innovative approach to the delivery of services; (2) Agile solution factory; (3) use and explanation of its [DELETED] tool; and (4) its proposed use of [DELETED]. AR, Tab 9, TEC Report on First Oral Presentation, at 6-7. However, during its reevaluation, the agency found only two features of CACI's presentation that warranted the assignment of a strength: (1) CACI's general explanation of its approach and the processes to deliver a solution; and (2) its Agile solution factory. AR, Tab 42, TEC Report on Second Oral Presentation at 5-6. CACI contends that "because both [DELETED] and [DELETED]

were equally relevant to the evaluation criteria that were to be used to evaluate the second oral presentation, it was fundamentally unreasonable for the Agency to assign strengths in the first instance but not the second.” Comments and Supp. Protest at 22.

As noted by the agency, however, the two hypothetical scenarios were different. The 2019 scenario asked offerors to address the movement of paper-based records to digital content hosted in a multi-cloud environment, whereas the 2020 scenario asked offerors to “independently identify at least one significant new IT practice, solution, system, or capability, that USCIS is not currently utilizing, which will provide value to USCIS. . . .” *Compare* AR, Tab 7, Initial Oral Presentation Scenario at 1 *with* AR, Tab 38, Final Oral Presentation Scenario at 1. Indeed, the protester acknowledges its oral presentation was not the same as its 2019 version, but tailored to the updated scenario. See Protest at 29-31.

Accordingly, given the changed hypothetical and responses, one would reasonably expect the agency’s evaluation to change as well. Here, while the TEC found a near-identical strength in CACI’s Agile solution factory, the agency’s assigned strength for CACI’s general approach to the hypothetical scenario was markedly different from its original evaluation. *Compare* AR, Tab 9, TEC Report on First Oral Presentation, at 6 *with* AR, Tab 42, TEC Report on Second Oral Presentation at 5. While CACI did include very similar material concerning its use of [DELETED] and [DELETED] (for which it now claims “missing” strengths) in both of its oral presentations, the record reflects that the agency undertook a comprehensive evaluation of CACI’s new oral presentation and documented various features of the presentation, but reasonably determined that strengths for its use of [DELETED] and [DELETED] were not warranted. See AR, Tab 42, TEC Report on Second Oral Presentation at 5-6. That the agency identified strengths in the presentation during its initial evaluation does not require the agency to assign similar ratings again. See *generally QinetiQ North Am., Inc.*, B-405163.2 *et al.*, Jan. 25, 2012, 2012 CPD ¶ 53 at 13. Accordingly, we find no basis to sustain this protest ground.

We also find unpersuasive CACI’s allegation that the agency failed to engage in meaningful discussions. The thrust of the protester’s argument is that if USCIS took issue with CACI’s use of Kubernetes in its oral presentation, then it necessarily must have also had concerns with CACI’s proposed use of Kubernetes in its technical proposal, yet USCIS failed to raise those concerns during discussions. Protest at 36-38; Comments and Supp. Protest at 22-24. This argument fails for several reasons. First, as previously discussed, the weakness assigned to CACI’s oral presentation was not for the use of Kubernetes, but instead for (among other things) the failure to address the implementation and details of its use of Kubernetes in its approach to the hypothetical scenario underpinning the oral presentation. AR, Tab 42, TEC Report on Second Oral Presentation at 5-6. This weakness was exclusive to CACI’s oral presentation. Second, and despite CACI’s protestations to the contrary, the agency assigned a mere weakness, not a significant weakness or deficiency, under the oral presentation factor. Thus, even if the agency did have an obligation to reopen discussions, it would not have been required to raise this issue. *PAI Corp.*, B-298349,

Aug. 18, 2006, 2006 CPD ¶ 124 at 8 (noting that meaningful discussions must identify deficiencies and significant weaknesses in each proposal that could reasonably be addressed so as to materially enhance the offeror's potential for receiving award).<sup>8</sup> This protest allegation is denied.

### Best-Value Tradeoff Decision

Finally, CACI challenges the SSO's disagreement with the TEC, as expressed in his tradeoff decision, concerning the TEC's assignment of a significant weakness to ManTech's proposal under the management approach factor. Comments and Supp. Protest at 26-28; Supp. Comments at 3-5. The solicitation required each offeror to explain its approach as to how it "will inform and update the government on status, completion, issues, assignments, responsibilities and other factors affecting delivery of the PWS task areas." RFP at 52. In its proposal, ManTech included a graphic that outlined its proposed communication structure with the agency. See AR, Tab 32a, ManTech FPR at 26, exh. 2-2. The TEC found that ManTech's proposed lines of communication with the agency contained errors about whom ManTech would interface when performing the contract. AR, Tab 33, TEC FPR Report at 18. In the TEC's view, ManTech's error "indicates a lack of understanding of the functional reporting and interfaces required on the AES contract and is therefore a significant weakness." *Id.*

The SSO recognized ManTech's error, but did not believe it was worthy of a significant weakness because the misunderstanding "is a short-term issue that can be easily corrected prior to performance. . . ." AR, Tab 44, SSDD at 13-14. The SSO further explained that the significant weakness "was due to a misunderstanding on ManTech's part that can be easily corrected prior to performance and not likely to recur once corrected." Supp. COS at 1.

CACI argues that the SSO's basis for disagreeing with the TEC is unreasonable. Supp. Comments at 4. In this regard, the protester notes that many proposal weaknesses could, theoretically, be corrected prior to performance, but such fixes do not alleviate the fact that such weaknesses exist in the underlying proposal. Comments and Supp. Protest at 27. The protester's argument, however, misses the point of the agency's

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<sup>8</sup> Putting aside CACI's assertion of an agency obligation to raise the agency's assessment of a weakness during discussions in a procurement conducted under subpart 16.5 of the FAR, CACI's assertion that the facts at hand mirror those in our decision in *Lockheed Martin Simulation, Training & Support*, B-292836.8 *et al.*, Nov. 24, 2004, 2005 CPD ¶ 27, is misplaced. In *Lockheed Martin*, we explained that where an agency identifies new weaknesses in a proposal (based on earlier proposal language) during a reevaluation of that proposal in an acquisition where discussions have previously occurred, the agency is required to discuss the newly found weaknesses with the offeror. *Id.* at 10. Here, USCIS's assignment of a weakness is based on CACI's failure to clearly describe aspects of its approach in its new oral presentation, not for unchanged aspects of its technical approach. Thus, *Lockheed Martin* is inapposite to the analysis, here.

evaluation assessments and the discretion afforded to procurement officials to weigh the errors and flaws contained in proposals, and ultimately judge their potential impact on contract performance. While the TEC found ManTech's error to present a significant weakness, the SSO disagreed, concluding that ManTech's confusion about the agency's internal reporting structure presented little risk to the agency because it could be easily corrected, and therefore gave it little weight. This is exactly the type of thoughtful consideration procurement officials are charged with, and reflects the essential exercise of the SSO's discretion to weigh the potential impact of a proposal error on agency operations.

A source selection official may disagree with the evaluation ratings of lower-level evaluators, and may make an independent evaluation judgment, provided the basis for that judgment is reasonable and documented in the contemporaneous record.

*Thoma-Sea Marine Marine Constructors, LLC*, B-416240, B-416240.2, July 16, 2018, 2018 CPD ¶ 245 at 10 (selection official's conclusion that proposal warranted a rating of "outstanding" rather than the evaluation board's recommendation of a "good" rating is unobjectionable where selection official's rationale for the rating is documented). Moreover, the SSO's judgment seems reasonable when the error at issue, again, concerns ManTech's failure to appreciate the proper lines of communication within the agency, and does not suggest any meaningful impact on ManTech's proposed method of performance or the potential cost of performance. Having found no underlying evaluation errors in the record, we deny CACI's remaining allegations challenging the agency's best-value decision.

The protest is denied.

Thomas H. Armstrong  
General Counsel