



## Decision

**Matter of:** Al-Shahba General Contracting Establishment

**File:** B-418697

**Date:** July 27, 2020

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Ahmed Jalaluddine Hamade, and Daygrace Salunga, Al-Shahba General Contracting Establishment, for the protester.

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### DIGEST

Protest challenging the agency's evaluation of the protester's past performance is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.

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### DECISION

Al-Shahba General Contracting Establishment (ASGENCO), of Abu Dhabi, United Arab Emirates (UAE), protests the award of a contract to RTC Facilities Management Services, LLC, of Dubai, UAE, under request for quotations (RFQ) No. FA5706-20-R-0007, issued by the Department of the Air Force for custodial services at Al Dhafra Air Base, UAE. ASGENCO primarily argues that the agency unreasonably evaluated its past performance.

We deny the protest.

### BACKGROUND

The RFQ, issued on March 9, 2020, contemplated the award of a fixed-price contract to provide all management, tools, equipment, and labor necessary to provide custodial services at Al Dhafra Air Base for a 1-year base period and up to four 1-year option periods, with an additional 6-month extension option. Agency Report (AR), exh. 3, RFQ at 3-7; 73. The RFQ was issued in accordance with Federal Acquisition Regulation (FAR) parts 12 and 13, as a competitive past performance tradeoff acquisition considering three factors: past performance, technical, and price. *Id.* at 73. When

combined, the technical and past performance factors were significantly more important than price. *Id.* Award was to be made to the firm whose quotation conformed to all solicitation terms and conditions, received a past performance rating other than limited or no confidence<sup>1</sup> and an acceptable technical rating,<sup>2</sup> had a fair and reasonable price, and was registered in the Joint Contingency Contract System database prior to award. *Id.*

The evaluation process would begin with a compliance review to verify conformance with the RFQ's administrative requirements. *Id.* All conforming quotations would then be ranked by their total evaluated price and evaluated for past performance. *Id.* If the lowest-priced quotation was judged to have a substantial confidence performance rating, then that quotation represented the best value for the government and award to that vendor could have been made, pending a finding of technical acceptability. *Id.* If the lowest-priced quotation was not judged to have an overall substantial confidence performance rating, the evaluation would continue in ascending order by price until the quotation rated with substantial confidence was confirmed or until all quotations were evaluated. *Id.*

With respect to past performance, vendors were to submit information on no more than five recent contracts they considered most relevant in demonstrating the vendor's ability to perform the proposed effort. *Id.* at 69. Each vendor's past performance efforts were to be assessed for recency, relevancy, and performance quality. *Id.* at 76. At issue here, "relevant" was defined as performance of custodial services of similar scope, magnitude of effort, and complexities as this solicitation required. Vendors were required to demonstrate performance of efforts involving requirements similar or greater in scope (a broad range of custodial services); magnitude (a historical average value of \$1.2 million per year); and complexity (multiple facilities with different cleaning requirements, multiple locations, and ability to support fluctuating demand) as the effort described in the solicitation. *Id.*

The agency received four quotations on March 31. Contracting Officer's Statement (COS) at 7. After a compliance check, the quotations were ranked according to their overall quoted prices. AR, exh. 12, Simplified Acquisition Decision at 2-6; COS at 7-9. Turning to the past performance evaluation, the agency first evaluated ASGENCO's lowest-priced quotation, assigning it a past performance rating of limited confidence. *Id.* Since the RFQ stated that no award could be made to a vendor whose past performance was rated limited confidence, the agency continued to evaluate the past

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<sup>1</sup> For the past performance factor, the agency assigned ratings of substantial confidence, satisfactory confidence, neutral confidence, limited confidence, or no confidence. RFQ at 77. Relevancy was assessed as very relevant, relevant, somewhat relevant, or not relevant. *Id.* at 76.

<sup>2</sup> The solicitation expressly advised that award would not be made to a vendor rated limited confidence or no confidence under the past performance factor. RFQ at 73.

performance of other vendors. RTC's quotation was evaluated as substantial confidence under the past performance factor and technically acceptable. On April 19, the agency awarded the contract to RTC for \$6,748,776.68. AR, exh.12, Simplified Acquisition Decision at 6. This protest followed.

## DISCUSSION

ASGENCO primarily challenges the limited confidence rating given to its quotation under the past performance factor. The firm argues that the agency did not fairly and objectively evaluate its past performance. ASGENCO contends that the examples of contracts that it provided were more relevant to the instant solicitation than the agency acknowledged, and the quality of its past performance was excellent. As a result, the firm contends, it should have had a higher rating. Our review of the record shows that the agency evaluated ASGENCO's quotation in accordance with the terms of the solicitation and we have no basis to question the limited confidence rating.<sup>3</sup>

This procurement was conducted under simplified acquisition procedures. When using these procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition and must evaluate quotations in accordance with the terms of the solicitation. *Hydromach, Inc.*, B-412169, Dec. 28, 2015, 2015 CPD ¶ 402 at 4. In reviewing protests of an allegedly improper simplified acquisition evaluation and award selection, we examine the record to determine whether the agency met this standard. *Id.*

As noted above, past performance efforts were to be assessed for recency, relevancy, and performance quality. *Id.* at 76. At issue here, for relevance, the solicitation specifically required vendors to demonstrate performance of efforts involving requirements similar or greater in scope (a broad range of custodial services); magnitude (a historical average value of \$1.2 million per year); and complexity (multiple facilities with different cleaning requirements, multiple locations, and ability to support fluctuating demand) as the effort described in the solicitation). *Id.*

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<sup>3</sup> ASGENCO argues that the agency improperly failed to evaluate its quotation under the technical factor. However, as discussed below, we have no basis to question the evaluation of the firm's past performance as limited confidence. Since the RFQ stated that no award could be made to a vendor with a limited confidence past performance rating, ASGENCO's quotation was ineligible for award and the agency was not required to evaluate its quotation for technical acceptability. The protester's argument that the evaluation of the awardee's price was unreasonable is also without merit. The record shows that the agency used multiple price evaluation techniques to determine that RTC's price was reasonable, including detailed comparisons to historical pricing, competitor pricing, and an independent government estimate. AR, exh. 12, Simplified Acquisition Decision at 6-8. ASGENCO's price was significantly below that of all other vendors. *Id.*

ASGENCO submitted five contracts for consideration: two contracts for housekeeping and maintenance services, one contract for maintenance and cleaning services, one contract for laundry and dry cleaning services, and one contract for servicing portable toilets. AR, exh. 8, ASGENCO Past Performance Quotation at 8-9. The record shows that the agency considered all of these contract examples and found none more than somewhat relevant.<sup>4</sup> AR, exh. 12, Simplified Acquisition Decision at 4. The agency's primary concern was that the contracts showed that the firm had never performed a custodial cleaning contract of similar scope, magnitude of effort, or complexity as the solicitation at hand. *Id.*

For example, ASGENCO's contract for servicing portable toilets was found somewhat relevant because it included re-stocking of restroom consumables, but the agency found little other similarity between this contract and the significantly larger and more complex requirement here. AR, exh. 14, Past Performance Evaluation at 1-2. The agency made similar findings with respect to the firm's contract for laundry and linen cleaning services. *Id.* Turning to ASGENCO's three contracts for housekeeping, cleaning, and maintenance services, contrary to the protester's assertions, the agency did credit the firm with its performance of aspects of custodial work that were similar to those in the instant solicitation. *Id.* However, all three contracts were significantly smaller and less complex than the effort at issue here. AR, exh. 12, Simplified Acquisition Decision at 4. In terms of magnitude alone, the estimated value of the instant requirement exceeded the values of ASGENCO's contracts by more than 100 percent and, in one case, more than 200 percent. *Id.*; AR, exh. 14, Past Performance Evaluation at 1. Based on the firm's past performance examples, the agency had little confidence in ASGENCO's ability to support the large-scale effort, including the diverse scope of cleaning services, set forth in the solicitation. AR, exh. 12, Simplified Acquisition Decision at 4; AR, exh. 14, Past Performance Evaluation at 1. The protester has given us no basis to question the agency's evaluation.

The protest is denied.

Thomas H. Armstrong  
General Counsel

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<sup>4</sup> The agency considered all of the firm's examples as recent, and evaluated the quality of ASGENCO's past performance with respect to those efforts deemed somewhat relevant. AR, exh. 12, Simplified Acquisition Decision at 4.