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# Decision

**Matter of:** Golden Key Group, LLC

**File:** B-419001

**Date:** November 16, 2020

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## DIGEST

Protest challenging the evaluation of protester’s proposal is denied where agency’s evaluation was reasonable and in accordance with the terms of the solicitation.

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## DECISION

Golden Key Group (GKG), of Reston, Virginia, protests the issuance of a task order to CALIBRE Systems, Inc., of Alexandria, Virginia, under request for proposals (RFP) No. 36C10X20R0028, issued by the Department of Veterans Affairs (VA), for support services to aid in the VA’s transition assistance program (TAP). The protester contends that the agency’s evaluation of its proposal was arbitrary and capricious.

We deny the protest.

## BACKGROUND

On May 14, 2020, the VA issued the solicitation, which contemplated the issuance of a task order under the General Services Administration’s (GSA) Human Capital and Training Solutions multiple-award indefinite-delivery, indefinite-quantity (IDIQ) contract. The solicitation was issued on an unrestricted basis and in accordance with Federal Acquisition Regulation (FAR) part 12 and subpart 16.5. Contracting Officer’s Statement of Fact (COSF) at 1. The agency sought proposals for onsite support services for the VA’s TAP, a program that assists military personnel in their transition from military service to civilian life. Agency Report (AR), Tab A, RFP at 6. The RFP provided that

the agency would evaluate proposals on a best-value tradeoff basis, considering price and non-price factors. COSF at 10. The RFP further provided that the agency intended to evaluate offers and award a contract without discussions. RFP at 97. The due date for proposals, as amended, was June 22. COSF at 1.

The RFP required offerors to submit their proposals in five separate volumes: experience; technical capability; past performance; evaluation factors for service-disabled veteran-owned small businesses (SDVOSBs) and veteran-owned small businesses (VOSBs); and price and other documents.<sup>1</sup> RFP at 100. As relevant here, the technical capability volume required offerors to explain how they intended to satisfy the requirements in the performance work statement (PWS). Among other things, offerors were to submit biographies for proposed key personnel that “clearly demonstrate” the personnel would meet the requirements provided in the PWS. *Id.* at 102. Specifically, the RFP required that proposed program managers possess 12 years of experience, plus either a certification in project management or four more years of experience in a related field. *Id.* at 25. For past performance, the RFP required offerors to identify up to three relevant contracts. *Id.* The RFP provided that the agency would determine relevancy based on the “size, scope, and complexity of [the] requirement.” *Id.* at 103. Proposals would be assigned performance risk ratings. *Id.* at 106.

For the evaluation of proposals, the RFP provided a two-phased evaluation structure. *Id.* at 111. Under phase one, the VA would evaluate an offeror’s experience on a pass/fail basis. *Id.* at 105. If any proposal failed to demonstrate “positive experience” for volume one, the VA would eliminate that proposal from the competition. *Id.* at 105. For phase two, the VA would evaluate the remaining proposals under the following non-price factors, in descending order of importance: technical capability, past performance, and SDVOSB and VOSB evaluation factors. *Id.* The non-price factors, when combined, were considerably more important than price. *Id.*

The VA received five proposals by the due date. COSF at 1. On June 23, the technical evaluation team (TET) and past performance evaluation team (PPET), among other teams, convened to evaluate the proposals. *Id.* The VA evaluated the proposals as follows:

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<sup>1</sup> GKG challenges only the VA’s evaluation of its proposal under volumes two and three.

Offeror	Technical Capability	Past Performance	SDVOSB & VOSB <sup>2</sup>	Price
GKG	Unsatisfactory	Moderate Risk	Consideration	\$127,475,166
CALIBRE	Excellent	Low Risk	Consideration	\$135,161,647

AR, Tab B, Best-Value Determination at 54; Agency’s Memorandum of Law at 4-5. The agency determined that CALIBRE’s proposal represented the best value to the government. *Id.* at 57.

On August 4, the VA notified offerors via e-Buy that the VA awarded the contract to CALIBRE. COSF at 1. After requesting and receiving a debriefing, GKG filed this protest with our Office on August 10.<sup>3</sup>

## DISCUSSION

GKG alleges that the agency unreasonably evaluated its proposal. Specifically, GKG contends that it was improper for the VA to assign its proposal ratings of “unsatisfactory” for technical capability and “moderate risk” for past performance, and that these errors subsequently led to an unreasonable best-value determination. For reasons discussed below, we deny the protest.<sup>4</sup>

The evaluation of proposals is a matter within the discretion of the procuring agency. *Peregrine Integrated Mgmt., Inc.*, B-414788, B-414788.2, Sept. 11, 2017, 2017 CPD ¶ 286 at 2. In reviewing a protest of an agency’s evaluation of proposals, it is not our role to reevaluate proposals; rather, our Office will examine the record to determine whether the agency’s judgment was reasonable and consistent with the solicitation criteria. *Id.* An offeror’s disagreement with the agency, without more, does not render the evaluation unreasonable. *Encorp-Samcrete Joint Venture*, B-284171, B-284171.2, Mar. 2, 2000, 2000 CPD ¶ 55 at 4.

### Technical Capability Evaluation

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<sup>2</sup> The solicitation provided that under the SDVOSB/VOSB evaluation factor, eligible SDVOSB offerors would receive full credit; VOSBs would receive partial credit; non-Veteran offerors proposing to use 35 percent SDVOSBs and 50 percent VOSBs as subcontractors would receive some consideration; and offerors not proposing to use 35 percent SDVOSBs and 50 percent VOSBs as subcontractors would receive no consideration. RFP at 107.

<sup>3</sup> The estimated value of the underlying task order exceeds \$10 million; thus, this procurement is within our jurisdiction to consider protests of task and delivery orders issued under civilian agency multiple-award IDIQ contracts. 41 U.S.C. § 4106(f)(1)(B).

<sup>4</sup> Although we do not specifically address each of the protester’s allegations, we have considered each allegation and find none to be meritorious.

Here, the TET assigned a rating of “unsatisfactory” to GKG’s proposal under the technical capability factor because the evaluators concluded that one of GKG’s proposed key personnel failed to meet the requirements of the PWS. AR, Tab K, GKG’s Technical Evaluation at 1. Specifically, the TET found deficient the biography submitted by GKG for its proposed program manager because the biography failed to demonstrate that the program manager had a “certification in project management” or “additional 4 years’ experience in a related field,” as required by the PWS. *Id.* at 11; RFP at 25. The TET thus concluded that it was unclear whether the program manager had the required experience, and assigned GKG’s proposal a deficiency. GKG’s Technical evaluation at 11.

In its protest, GKG contends that its proposed program manager had 26 years of experience. Protest at 10. GKG admits, however, that it “inadvertently omitted, through an editing error, several years of [the program manager’s] experience” in the biography it provided for its program manager. Protest at 15. Notwithstanding this omission, GKG contends that the TET should have determined that GKG’s program manager still satisfied the requirements of the PWS. *Id.* at 15-16. Specifically, GKG contends that the rest of its technical proposal, including the remainder of the biography for its program manager, demonstrated that GKG’s program manager possessed the requisite experience. *Id.* If there was any uncertainty, GKG contends that the VA should have sought clarification. *Id.* at 16.

Under the circumstances here, our Office has no basis to determine that the agency’s evaluation was unreasonable. As stated above, offerors were required to show their key personnel satisfied the requirements of the PWS. Each offeror was thus required to demonstrate, among other things, that its program manager possessed 12 years of relevant experience, plus either a certification in project management or an additional four years of experience in a related field. RFP at 25. GKG admits that its program manager did not possess the required certification, and that the biography omitted several years of the program manager’s experience. Protest at 15. While GKG’s technical proposal stated that its program manager had 26 years of experience, AR, Tab J, Technical Proposal at 30, the biography GKG provided in its proposal failed to support this assertion. Instead, the biography only identified experience from 2010 to present. *Id.*

Because the RFP expressly provided that the VA did not intend to conduct discussions, RFP at 97, it was GKG’s responsibility to provide sufficient information showing that its proposed program manager satisfied the requirements of the PWS. GKG’s failure to provide sufficient information does not render the agency’s evaluation unreasonable. This ground of protest is denied.

## Past Performance Evaluation

GKG also contends that the PPET conducted an unreasonable past performance evaluation. In its proposal, GKG identified three separate contracts for the past performance evaluation: an Army Reserves Officers' Training Corps (ROTC) contract, which it performed itself, and one contract for each of GKG's two subcontractors. AR, Tab G, Past Performance Proposal at 5-7.

Following its review of these contracts, the PPET assigned GKG's past performance proposal a rating of "moderate risk." AR, Tab L, Past Performance Evaluation at 1. The PPET determined that GKG's ROTC contract was only "somewhat relevant" to the PWS for the subject RFP in light of the differences between the number of customers, locations served, and total dollar value of the contract. *Id.* For the two remaining contracts, the PPET determined that, among other things, the size of the past performance for these two contracts was not relevant to the size of the PWS for the subject RFP. *Id.* at 1-3.

For the evaluation of GKG's Army ROTC contract, GKG alleges that the PPET failed to properly evaluate (1) the number of cadets involved, (2) the number of locations GKG supported, and (3) the price of the contract. GKG also contends that the PPET improperly considered a 2018 contractor performance assessment report (CPAR) for the Army ROTC contract while failing to consider a 2020 CPAR for the same contract. Protest at 16-20. For the evaluation of its subcontractors' contracts, GKG asserts that the agency failed to consider their past performance despite their directly relevant work. *Id.* Under the circumstances here, our Office has no basis to determine that the agency's evaluation of GKG's past performance proposal was unreasonable.

In reviewing an agency's evaluation of an offeror's past performance, our Office evaluates only whether the evaluation was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations, as determining the relative merit of an offeror's past performance is primarily a matter within the agency's discretion. *TeleCommunication Sys., Inc.*, B-413265, B-413265.2, Sept. 21, 2016, 2016 CPD ¶ 266 at 7; *American Env'tl. Servs., Inc.*, B-406952.2, B-406952.3, Oct. 11, 2012, 2013 CPD ¶ 90 at 5. The evaluation of past performance, by its very nature, is subjective, and we will not substitute our judgment for reasonably-based evaluation ratings; an offeror's disagreement with an agency's evaluation, without more, does not demonstrate that those judgments are unreasonable. *Cape Env'tl. Mgmt., Inc.*, B-412046.4, B-412046.5, May 9, 2016, 2016 CPD ¶ 128 at 8.

First, GKG alleges the PPET failed to properly compare the number of cadets served under GKG's Army ROTC contract with the number of expected customers under the TAP contract. Protest at 17. In evaluating GKG's Army ROTC contract, the PPET determined that the number of cadets involved under the Army ROTC contract was approximately fifteen percent of the expected customers under the subject RFP, which indicated that the Army ROTC contract was not as complex. Best-Value Determination at 43. In response, GKG asserts that the "true measure of complexity is not even evident in numbers of individuals put through the system." Protest at 17. Instead, GKG

asserts that the PPET should have considered the “numbers of different events” and “the frequency of the events,” as well as the number of times GKG interacted with each individual customer. *Id.*

Under the circumstances here, we have no basis to determine that it was unreasonable for the agency to consider the total number of customers served during these prior efforts. The RFP expressly provided that the agency would consider, among other things, the size of the project when evaluating past performance. Considering the total number of customers is thus an appropriate consideration as it bears directly on the size of the project. This protest ground is denied.

Second, GKG contends that the PPET failed to properly consider the number of locations GKG served under its Army ROTC contract. *Id.* at 17-18. Specifically, GKG argues that it was unreasonable for the PPET to determine that the number of locations GKG supported under the Army ROTC contract (233 locations) was only “somewhat relevant” to the locations to be served under the TAP contract (331 locations). *Id.* at 18; Best-Value Determination at 43. According to GKG, various areas in its technical proposal demonstrated that despite the lower number of locations served under the ROTC contract, the work there was of a similar level of complexity to the work under the TAP contract. Protest at 18. Even if we were to agree with GKG that other sections of the firm’s proposal contained information bearing on the relevance of its past performance, agencies are not required to search other sections of an offeror’s proposal for information to meet requirements related to a different section. See *Dewberry Crawford Group; Partner 4 Recovery*, B-415940.10 *et.al.*, July 2, 2018, 2018 CPD ¶ 297 at 13. Therefore, we have no basis to determine this evaluation was unreasonable. This protest ground is also denied.

Third, GKG contends that the PPET unreasonably determined that the value of its Army ROTC contract was \$61.4 million. Protest at 18. The total value of this contract, according to GKG’s protest, was \$127 million for five years. *Id.* In contrast, GKG’s past performance volume listed \$61.4 million as the “final price” for the Army ROTC contract. AR, Tab G, Past Performance Proposal at 5. Therefore, it was reasonable for the PPET to conclude that the value of the contract was the final price identified by GKG in its proposal. This protest ground is also denied.

Fourth, GKG contends that the PPET improperly relied on an outdated CPAR when evaluating GKG’s past performance. Protest at 19. According to GKG, the PPET considered a CPAR for the Army ROTC contract from 2018, but failed to consider a CPAR from 2020. *Id.* This allegation is unsupported by the record as there is no indication that the agency considered only the CPAR from 2018. Even if GKG were correct, this protest ground would still lack merit as the RFP expressly stated that the agency would consider past performance records from the last five years. RFP at 106. Thus, the PPET’s consideration of the 2018 CPAR was neither unreasonable nor contrary to the terms of the solicitation.

Last, GKG asserts that the PPET failed to consider the past performance of its subcontractors even though they performed “directly relevant work.” Protest at 20. The PPET, however, did consider the past performance of GKG’s subcontractors; it found, however, that their experience was not relevant. Best-Value Determination at 42. Specifically, the PPET determined that the past performance was not relevant with regard to size, and could not be evaluated favorably or unfavorably. *Id.* According to the PPET, it was unable to determine the relevancy of the two references as one reference failed to meet the five-year currency requirement and the other failed to demonstrate a relevant size. *Id.* As a result, Our Office has no basis to object to the agency’s evaluation here. This ground is also denied.

The protest is denied.

Thomas H. Armstrong  
General Counsel