U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: Apogee Engineering, LLC

File: B-419108; B-419108.2

Date: December 16, 2020

Peter B. Ford, Esq., Timothy F. Valley, Esq., Meghan F. Leemon, Esq., and Anna R. Wright, Esq., Piliero Mazza PLLC, for the protester.
Robert K. Tompkins, Esq., Hillary J. Freund, Esq., and Kelsey M. Hayes, Esq., Holland & Knight, LLP, for Bowhead Mission Solutions, LLC, the intervenor.
Wade L. Brown, Esq., and Edward E. Hunt III, Esq., Department of the Army, for the agency.
Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency's evaluation of proposals under the cost/price evaluation factor was reasonable and consistent with the terms of the solicitation.

2. Agency reasonably evaluated protester's and awardee's proposals under the management evaluation factor.

3. Agency's selection of the awardee's proposal, based on its determination that the benefits associated with its technical superiority outweighed the risks associated with its lower cost/price, was reasonable and consistent with the terms of the solicitation.

DECISION

Apogee Engineering, LLC, of Colorado Springs, Colorado, protests the Department of the Army's award of a task order to Bowhead Mission Solutions, LLC, pursuant to task order requirements package (TORP) No. W91260-20-R-5002, to provide support services for the Space and Missile Defense School.[1] Apogee challenges the agency's

[1] The School is a component of the U.S. Army Space and Missile Defense Command, and is described by the agency as "an Army accredited Center of Excellence that educates and trains over 4,500 Space and Missile Defense warfighters through over 250 residence and mobile training classes annually, and educates and trains over

evaluation of proposals under the cost and management factors, and its best-value tradeoff determination.[2]

We deny the protest.

BACKGROUND

On April 9, 2020, pursuant to Federal Acquisition Regulation (FAR) subpart 16.5, the agency issued the solicitation to small businesses holding indefinite-delivery indefinite-quantity (IDIQ) contracts under the General Services Administration's (GSA) "One Acquisition Solution for Integrated Services" (OASIS) program.[3] The solicitation contemplated award of a single cost-plus-fixed-fee task order for a 1-year base period and four 1-year option periods, and sought proposals to provide services that will "ensure trained and ready forces . . . through superior education and training on all elements of comprehensive Space and Missile Defense." AR Tab 3C, PWS at 1. The solicitation identified various tasks the contractor will be required to perform;[4] identified various labor categories for which offerors were required to propose labor rates; and provided that the source selection decision would be based on a best-value tradeoff considering the following evaluation factors, listed in descending order of importance: technical approach; management; and cost/price.[5] AR, Tab 3G, Evaluation Factors and Basis of Award at 2.

12,000 warfighters across the Army and Joint education and training enterprise." Agency Report (AR) Tab 3C, Performance Work Statement (PWS) at 2.

[2] Apogee's initial protest also asserted that the agency's evaluation failed to address an alleged conflict of interest. The agency provided a detailed response to this allegation in its report responding to the protest, and Apogee's subsequent submissions did not further discuss this matter in any way. Accordingly, we consider this allegation to have been abandoned. *See*, *e.g.*, *AdvanceMed Corp.*, B-414373, May 25, 2017, 2017 CPD ¶ 160 at 5 n.4.

[3] The procurement is being conducted as a small business set-aside under "SB Pool 3" of the OASIS contract. AR, Tab 3B, TORP at 2. Apogee and Bowhead each hold SB Pool 3 contracts.

[4] The task order requirements are "a combination of all, or parts of, three different task orders" that were previously awarded under the Space and Missile Defense Command Advisory and Assistance Services (SMDA2S) IDIQ contracts. AR, Tab 1, Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 25; Tab 16, Fair Opportunity Decision Document (FODD) at 1.

[5] The solicitation also provided that the agency would make "go/no go" assessments regarding organizational conflicts of interest and stated that, when combined, the technical and management factors were substantially more important than cost/price. AR, Tab 3G, Evaluation Factors and Basis of Award at 2.

Of relevance to this protest, the solicitation provided that cost/price proposals would be evaluated for realism,[6] and also incorporated FAR provision 52.222-46, Evaluation of Compensation for Professional Employees.[7] AR, Tab 3G, Evaluation Factors and Basis of Award at 3-5.

On or before the April 24, 2020 closing date, proposals were submitted by four offerors, including Apogee and Bowhead.[8] Following evaluation of initial proposals, the agency determined that it was in the government's best interest to conduct interchanges[9] with Apogee and Bowhead. AR, Tab 8, Determination of Best-Suited Offerors at 5-6. In conducting interchanges with Apogee, the agency issued a total of 37 interchange notices (INs) to Apogee and/or its proposed subcontractors,[10] in which the agency identified aspects of Apogee's proposal that were not in compliance with the solicitation,

---

[6] The solicitation also provided that cost/price proposals would be evaluated for compliance with the solicitation requirements, unbalanced pricing, adequacy of the offeror's business (accounting/purchasing) systems, and reasonableness. *Id.*

[7] Specifically, the solicitation stated:

> The Government will evaluate the proposed [professional employee] compensation plan to assure that it reflects a sound management approach and understanding of the contract requirements in accordance with FAR 52.222-46. . . . The professional compensation proposed will be considered in terms of its impact upon recruiting and retention, its realism, and its consistency with a total plan for compensation. Proposals envisioning compensation levels lower than those of predecessor contractors for the same work will be evaluated on the basis of maintaining program continuity, uninterrupted high-quality work, and availability of required competent professional service employees. Offerors are cautioned that lowered compensation for essentially the same professional work may indicate lack of sound management judgment and lack of understanding of the requirement. Plans indicating unrealistically low professional employee compensation may be assessed adversely as one of the factors considered in making an award.

Id. at 4-5.

[8] The other two offerors and their proposals are not relevant to this protest, and are not further discussed.

[9] The solicitation defined interchanges as "fluid interactions/communications between the Ordering Contracting Officer and the Offerors that may address any aspect of the proposal." AR, Tab 3G, Evaluation Factors and Basis of Award at 2.

[10] Apogee proposed [redacted] subcontractors: [redacted]. AR, Tab 16, FODD at 13.

were inadequately supported, and/or appeared unrealistic/unreasonable.[11] Similarly, the agency issued a total of 33 INs to Bowhead and/or its proposed subcontractors[12] in which the agency identified aspects of Bowhead's proposals that were not in compliance with the solicitation, were inadequately supported, and/or appeared unrealistic/unreasonable.[13] Following the interchanges, the agency requested and received Bowhead's and Apogee's revised proposals. In evaluating the final proposal revisions, the agency considered the offerors' responses to the INs, and made various probable cost adjustments to both offerors' proposals. The final proposals were evaluated as follows:

	Technical[14]	**Management**	**Proposed Cost/Price**	**Evaluated Cost/Price**
Apogee	Good	Good	$126,165,244	$137,735,978
Bowhead	Good	Outstanding	$115,752,117	$124,091,399

AR, Tab 16, FODD at 6.

In evaluating proposals under the most important factor, technical, the technical/management evaluation team (TMET) assessed ratings of good for both offerors. In its technical evaluation, the TMET identified six strengths and no weaknesses in Apogee's proposal, and 14 strengths (including Bowhead's access to additional resources) and one weakness in Bowhead's proposal. *Id.* at 16. The agency concluded that Bowhead's proposal was superior to Apogee's under the technical factor

[11] Among other things, the INs sought information regarding labor rates, indirect rates, and/or the escalation rates proposed by Apogee or its subcontractors. AR, Tabs 9, 9A, 9B, 9C, 9D, Apogee and Subcontractor INs/Responses.

[12] Bowhead also proposed [redacted] subcontractors: [redacted]. AR, Tab 16, FODD at 13.

[13] Among other things, the INs sought additional information regarding the labor rates, indirect rates, and/or escalation rates proposed by Bowhead or its subcontractors. AR, Tabs 10, 10A, 10B, 10C, 10D, Bowhead and Subcontractor INs/Responses.

[14] In evaluating proposals under the technical and management factors, the agency assigned ratings of outstanding, good, acceptable, marginal or unacceptable. AR, Tab 3G, Evaluation Factors and Basis of Award at 4-5. A rating of outstanding was defined as: "Proposal meets requirements and indicates an exceptional approach and understanding of the requirements. Strengths far outweigh any weaknesses." A rating of good was defined as: "Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal strength(s) . . . outweigh any weakness(es)." *Id.* A strength was defined as: "An aspect of an offeror's proposal that has merit or exceeds specified performance or capability requirements in a way that will be advantageous to the Government during TO [task order] performance." *Id.*

due its "procedural strengths and access to additional resources."[15] Apogee's protest does not challenge the agency's evaluation under the most important technical factor.

In evaluating proposals under the management factor, the agency assigned a rating of outstanding to Bowhead's proposal, identifying three strengths, and characterizing its approach as "exceptional." *Id.* at 17-18. The agency assigned a lower rating of good to Apogee's proposal, and identified one strength. *Id.* The agency concluded that Bowhead's exceptional management approach was superior to Apogee's, noting, among other things, that Bowhead's proposal [redacted]. *Id.*

In evaluating the realism of the offerors' proposed costs, the cost/price evaluation team (CPET) compared the proposed unburdened labor rates to the Bureau of Labor Statistics' most current occupational employment and labor estimates for the Colorado Springs area,[16] as well as to the rates of the other offerors, and applied escalation rates derived from the IHS Global Insight North American Long Term Forecast Tables First Quarter 2020 Special Covid-19 Update.[17] AR, Tab 16, FODD at 12-13. In evaluating the offerors' indirect rates, the CPET considered the information submitted by the offerors, including historical information. *See generally*, AR, Tab 14A, Cost/Price Evaluation (Apogee), at 14-16, 23-28; AR, Tab 14B, Cost/Price Evaluation (Bowhead) at 14-15, 22-27. Finally, in evaluating the offerors' compensation for professional employees, the CPET compared the offerors' proposed unburdened rates to the average unburdened rates proposed by the incumbent contractors.[18] The CPET considered the proposed labor rates to be adequate/realistic if they were no more than 10% below the average incumbent rates for the various labor categories. AR, Tab 14A, Cost/Price Evaluation (Apogee) at 29; Tab 14B, Cost/Price Evaluation (Bowhead) at 28.

---

[15] The agency elaborated that "[t]he additional resources have exceptional direct value to the government in areas that will address existing Schoolhouse shortfalls in mission execution." AR, Tab 16, FODD at 16-17.

[16] This contract "will be performed in Colorado Springs." AR, Tab 14B, Cost/Price Evaluation (Bowhead) at 5.

[17] The solicitation notified offerors that, "[f]or evaluating escalation, the Government utilizes the escalation rates from IHS Global Insight for Professional, Scientific, and Technical Services category." AR, Tab 3G, Evaluation Factors and Basis of Award at 4.

[18] As noted above, the solicitation's requirements are a combination of three prior task orders. The agency states that, in April 2020, the CPET requested the incumbent contractors' current salary and fringe benefit plans (the agency states that [redacted] of Apogee's subcontractors are incumbents on the predecessor task orders). AR, Tab 14A, Cost/Price Evaluation (Apogee) at 29; Tab 14B, Cost/Price Evaluation (Bowhead) at 28. The CPET was informed that "all of the incumbent contractors refused to provide the information on the grounds that it may affect their competitive positions in regards to [this procurement]." *Id.* Notwithstanding the incumbent contractors' refusal to provide additional information, the CPET "was able to utilize the incumbent bid information located in the CPET internal SMDA2S [prior contract] folders." *Id.*

Where offerors' labor rates were below this minimum threshold, the CPET made probable-cost adjustments to the proposed rates.

Following the TMET's and CPET's evaluation of the revised proposals, the fair opportunity decision authority (FODA) reviewed all of the evaluation documentation and selected Bowhead for award. In summarizing his selection decision, the FODA stated:

> Bowhead's thorough technical approach (reflected in a Good rating) and exceptional management approach (reflected in an Outstanding rating) provide significant value to the Government. There were a number of strengths in Bowhead's technical proposal . . . which significantly outweigh the one weakness. Some of those strengths contain significant procedural strength and access to additional resources. The additional resources have exceptional value to the government in areas that will directly address existing Schoolhouse shortfalls in mission execution. An example of this is Bowhead [redacted].
>
> Bowhead's proposal also demonstrates an exceptional managerial approach and understanding of the task order management requirements. The proposal empowers the TOL [task order lead] [redacted]. This quality approach exceeds PWS standards.
>
> Apogee's technical strengths (as evidenced by a Good rating) and local managerial structure (also rated Good) have value, but Bowhead's proposal is superior and Apogee's proposed cost [is] $10.4 million . . . above Bowhead's proposal.
>
> I note that Apogee's proposed price is 5% below the IGE (independent government estimate) and is considered a low cost risk. Bowhead's proposed price is 13% below the IGE and raises some questions, but I recognize that the IGE (an estimate) is just one element in determining cost realism and the lower cost presents limited cost risk. I find that the benefits associated with Bowhead's Technical Approach (rated Good) and Management Approach (rated Outstanding) outweigh the possible risk of being 13% below the IGE.[[19]]
>
> After considering all the strengths of the proposals and taking the relative importance of the all three factors, I find Bowhead offers the best overall value to the Government and the most advantageous. Therefore, it is in the

---

[19] The IGE for this procurement was $133,242,335 and "the direct and indirect rates in the IGE were based on the assumption of the predecessor contract's proposal information at the time of source selection." AR, Tab 7, Business Clearance Memorandum at 7, 54.

> best interest of the Government to make award to Bowhead Mission, LLC in the amount of $115,752,117.41.

AR, Tab 16, FODD at 19-20.

Thereafter, Apogee was notified of the source selection decision. This protest followed.[20]

DISCUSSION

Apogee challenges the agency's evaluation under the cost and management factors and its best-value tradeoff determination. As discussed below, we find no basis to sustain Apogee's protest.[21]

Cost Evaluation

First, Apogee asserts that the agency "failed to account for major risks in Bowhead's unrealistically low-cost proposal." Apogee Comments/Supp. Protest, Oct. 19, 2020, at 3. In this regard, Apogee references the INs in which the agency sought additional information from both offerors,[22] complaining that Bowhead's failure to provide sufficient and/or persuasive responses to all of the agency's questions should have rendered Bowhead "ineligible for award." *Id.* at 7. Next, Apogee asserts that the agency "made unreasonable upward adjustments to Apogee's cost proposal" and/or "disparately evaluated" the two proposals, complaining that the agency upwardly adjusted Apogee's final proposed cost by $11,570,734, but only upwardly adjusted Bowhead's final proposed cost by $8,339,282. *Id.* Finally, Apogee challenges the agency's evaluation of Bowhead's professional employee compensation plan pursuant to FAR provision 52.222-46. *Id.* at 11-17. Among other things, Apogee complains that the agency compared Bowhead's proposed rates for professional employees to "incumbent proposal data and not current incumbent rates, rendering the entire evaluation flawed." *Id.* at 11.

---

[20] Because the value of the task order is in excess of $10 million, this protest is within our jurisdiction to consider protests regarding civilian agency indefinite-delivery, indefinite-quantity task order contracts. *See* 41 U.S.C. § 4106(f)(1)(B); *Alliant Sols., LLC*, B-415994, B-415994.2, May 13, 2018, 2018 CPD ¶173 at 4 n.8. The authority under which we exercise our task order jurisdiction is determined by the agency that awarded the underlying IDIQ contract, which in this instance is GSA.

[21] Apogee's protest includes allegations that are in addition to, or variations of, those specifically discussed below. We have reviewed all of the allegations and find no basis to sustain the protest.

[22] Apogee acknowledges that the initial proposals of both offerors were evaluated as being so deficient that the agency "could not determine the realism of any offeror's costs." Apogee Comments/Supp. Protest at 4; *see* AR, Tab 8, Determination of Best-Suited Offerors, at 3.

The agency first responds that its cost realism evaluation complied with the solicitation provisions which were applied consistently to both proposals. The agency states that the CPET reviewed and evaluated the offerors' proposed labor rates, escalation factors, and indirect rates to assess whether the proposed costs were realistic for the work to be performed, reflected a clear understanding of the solicitation requirements, and were consistent with the proposed methods of performance. AR, Tab 1, COS/MOL at 12, Specifically, the agency compared proposed labor rates to the Bureau of Labor Statistic's applicable estimates; compared escalation rates to data that the solicitation identified as the appropriate benchmark (IHS Global Insight North American Long Term Forecast Tables); and evaluated indirect rates based on the information provided by the offerors, including historical data. Additionally, the agency compared an offeror's proposed costs to the costs proposed by the other offerors. *Id.* at 12-24.

The agency next points out that, following its initial evaluation, the agency sought information from both of the offerors through INs; considered the responses to the INs; and, where the agency found the responses inadequate or unpersuasive, made appropriate probable cost adjustments. In this context, the agency maintains that its probable cost adjustments constituted the appropriate measure of risk the agency associated with each proposal. Based on its comprehensive evaluation under the cost and non-cost factors, along with its probable cost adjustments, the agency maintains it reasonably concluded that: both offerors understood the requirements; Bowhead's proposal was superior to Apogee's under the more-important non-cost/price factors; and the benefits associated with Bowhead's proposal were worth the risk associated with its lower proposed cost/price. On the record presented, the agency maintains there was no disparate treatment of the offerors' proposals.

Further, the agency maintains that its evaluation of Bowhead's professional employee compensation plan was reasonable and consistent with the requirements of the solicitation and FAR provision 52.222-46. In this context, the agency first notes that [redacted] of Apogee's subcontractors [redacted] were incumbents on the predecessor task orders, and thus, Apogee had access to current compensation levels of the incumbent professional employees. AR, Tab 1A, Supp. COS/MOL at 14. Next, the agency notes that, in response to the CPET's request for incumbent salary and fringe benefit information, the incumbents refused to provide that information. AR, Tab 14A, Cost/Price Evaluation (Apogee) at 29; Tab 14B, Cost/Price Evaluation (Bowhead) at 28. In this context, the agency maintains that it is disingenuous for Apogee to complain that the agency failed to consider the very information the incumbents refused to provide.

Finally, the agency responds that, in the absence of current incumbent information regarding salaries and fringe benefits, it reasonably compared Bowhead's compensation plan to the average professional compensation proposed by the incumbents under the predecessor task orders; considered Bowhead's total benefit package; and concluded that the plan acceptably reflected a sound management approach and understanding of the contract requirements. The agency further concluded that Bowhead's compensation plan would reasonably facilitate uninterrupted high-quality work, and presented acceptable risk with regard to recruiting, retention, and realism. AR, Tab 1, COS/MOL at 24; Tab 14B, Cost/Price Evaluation (Bowhead) at 27-32. On this record, the agency maintains that all of Apogee's complaints regarding the cost realism evaluation are without merit.

When an agency evaluates proposals for award of a cost-reimbursement contract, it must perform a cost realism analysis to determine the extent to which an offeror's proposed costs are realistic for the work to be performed. FAR 15.305(a)(1), 15.404-1(d); *Nat'l Gov't Servs., Inc.*, B-412142, Dec. 30, 2015, 2016 CPD ¶ 8 at 8. Nonetheless, an agency's realism analysis need not achieve scientific certainty; rather, the analysis must provide a reasonable measure of confidence that the costs proposed are realistic based on information reasonably available to the agency at the time of its evaluation. *SGT, Inc.*, B-294722.4, July 28, 2005, 2005 CPD ¶ 151 at 7. For example, a derived estimate of unburdened labor rates may constitute an appropriate standard against which realism may be assessed. *Science Applications Int'l Corp.*, B-290971 *et al.,* Oct. 16, 2002, 2002 CPD ¶ 184 at 17. Similarly, an agency is not required to verify each and every item in assessing cost realism; rather, the evaluation requires the exercise of informed judgment by the contracting agency. *Tyonek Global Servs., LLC; Depot Aviation Sols., LLC*, B-417188.2 *et al.*, Oct. 4, 2019, 2019 CPD ¶ 354 at 19. Consistent with the above, GAO's review of an agency's cost realism evaluation is limited to determining whether the agency's analysis is reasonably based and not arbitrary. *Hanford Envtl. Health Found.*, B-292858.2, B-292858.5, Apr. 7, 2004, 2004 CPD ¶ 164 at 10; *AdvanceMed Corp.; TrustSolutions, LLC*, B-404910.4 *et al*., Jan. 17, 2012, 2012 CPD ¶ 25 at 13.

Here, based on our review of the record, it is clear that the agency evaluated both offerors' unburdened labor rates, indirect rates, and escalation factors in the same manner. Specifically, the record shows that in evaluating labor rates, the agency reasonably compared the proposed rates to Bureau of Labor Statistics data; based its evaluation of escalation rates on the source specifically identified in the solicitation (IHS Global Insight North American Long Term Forecast Tables); and considered data the offerors provided, as well as historical information, in evaluating indirect rates. Following its initial evaluation, the agency also sought a substantial amount of information from both offerors. Based on this data, in situations where the agency judged the information in the proposal and INs to be inadequate, the agency adjusted the proposed costs to levels the agency viewed as appropriate.

We have reviewed each of Apogee's multiple challenges to the agency's evaluation of IN responses, in which it asserts that: the agency's evaluation of Bowhead's proposal should have resulted in more or greater upward cost adjustments; the agency failed to recognize the risks associated with Bowhead's lower cost/price; and/or the agency's evaluation of Apogee's proposal should have resulted in fewer or smaller cost adjustments. We have also reviewed each of the agency's responses to Apogee's multiple allegations, in which the agency explains the basis for, and the judgment it exercised in making, its various cost realism assessments and probable cost adjustments. As discussed above, an agency's cost realism analysis need not achieve scientific certainty, nor is the agency required to verify each and every item in assessing cost realism. Here, we view the agency's comprehensive documentation of its cost realism analysis to be more than adequate, and conclude that Apogee's challenges to that analysis fail to identify any material flaws that warrant sustaining the protest.

With regard to the agency's evaluation of Bowhead's professional employee compensation plan--and in light of the facts presented here, specifically including the incumbents' refusal to provide information regarding current salaries and fringe benefits---we find nothing unreasonable in the agency's comparison of Bowhead's compensation plan to the average rates previously proposed by the incumbent contractors. We also find reasonable the agency's conclusion that Bowhead's overall compensation plan was adequate. In short, we have considered all of Apogee's complaints regarding the agency's cost evaluation and find no basis to sustain its protest.

Management Evaluation

Next, Apogee challenges the agency's evaluation under the management factor, first complaining that Bowhead's proposal should have been downgraded due to its "unrealistically low pricing." Protest at 14. As discussed above, we have rejected Apogee's assertion that the agency's evaluation of Bowhead's proposed costs was flawed. Accordingly, we reject Apogee's assertion that the agency should have downgraded Bowhead's proposal under the management evaluation factor, based on the same alleged flaws.

Apogee also complains that its proposal "should have been rated higher" under the management evaluation factor. Protest at 13. Specifically, Apogee complains that since the single strength it received under this factor was based on "three good ideas/processes," its three processes "should [have been] classified as three [separate] strengths."[23] *Id.* at 13-14. Finally, Apogee complains that the agency engaged in "disparate treatment" regarding these proposals. Apogee Comments/Supp. Protest, Oct. 19, 2020, at 2019.

The agency responds by first noting that the solicitation defined a strength as "an aspect of an offeror's proposal that has merit or exceeds specific performance or capability requirements in a way that will be advantageous to the Government." AR, Tab 1, COS/MOL at 31; *see* AR, Tab 3G, Evaluation Criteria and Basis for Award at 5. The agency further explains that the agency viewed the various aspects of Apogee's proposal as "collectively demonstrat[ing] Apogee's ability to provide qualified, local, incumbent key personnel," but that they did not warrant individual strengths.[24] AR,

[23] The agency described Apogee's evaluated strength as follows: [redacted]. AR, Tab 13, TMET Evaluation (Apogee) at 19-20.

[24] For example, the agency notes that while Apogee's strength referenced the [redacted], Apogee's proposal included [redacted]. AR, Tab 1, COS/MOL at 32. In

Tab 1, COS/MOL at 32-34; AR, Tab 1A, Supp. COS/MOL at 18-22. Accordingly, the agency maintains that its evaluation of each proposal under the management factor was reasonable and consistent with the terms of the solicitation.

In reviewing protests challenging an agency's evaluation of proposals, our Office does not independently evaluate the proposals; rather, we review the agency's evaluation to ensure that it was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. *See*, *e.g.*, *Nat'l Forensic Sci. Tech. Ctr., Inc.*, B-409457.2, B-409457.3, July 29, 2014, 2014 CPD ¶ 224 at 3-4. Further, when a protester alleges unequal treatment in a technical evaluation, it must show that the differences in the agency's evaluation did not stem from differences between the proposals. *Sterling Med. Assocs., Inc.*, B-418674, B-418674.2, July 23, 2020, 2020 CPD ¶ 255 at 5. Finally, a protester's disagreement with the agency's judgments, by itself, is not sufficient to establish that an agency acted unreasonably. *Athena Sciences Corp.*, B-409486, B-409486.2, May 14, 2014, 2014 CPD ¶ 154 at 10.

Here, we have reviewed the record regarding the evaluation of both proposals under the management factor, and find no basis to question the reasonableness of the evaluation or its consistency with the terms of the solicitation. As noted above, the solicitation provided that a strength would be assessed where an aspect of a proposal "will be advantageous to the Government." Here, the agency did not view the various individual aspects of Apogee's management approach, separately, as sufficiently advantageous to warrant individual strengths. Further, the agency clearly viewed Bowhead's overall management approach, including its proposal to provide additional management resources, as superior to that of Apogee. Finally, the agency comprehensively documented the various bases for its assessments, judgments, and overall conclusions. While Apogee disagrees with the agency's evaluation, it has not shown that the evaluation was either unreasonable or contrary to the provisions of the solicitation.

---

contrast, Bowhead's proposal detailed its [redacted], effectively demonstrating that Bowhead's approach would [redacted]. AR, Tab 1A, Supp. COS/MOL at 20; *see* AR, Tab 13B, TMET Evaluation (Bowhead) at 29.

Best-Value Determination

Finally, Apogee asserts that the agency's best-value trade off determination was "unreasonable because it was based on a flawed underlying evaluation of both Apogee's and Bowhead's proposals." Apogee Comments/Supp. Protest, Oct. 19, 2020, at 21. Apogee further asserts that, in making the best-value determination, the FODA "carelessly dismissed the risks associated with Bowhead's low and unrealistic pricing." *Id.*

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and price evaluation results; tradeoffs between risks and benefits may be made, and the extent to which benefits outweigh risks is governed only by the test of rationality and consistency with the solicitation's evaluation criteria. *See*, *e.g.*, *STG LLC*, B-418490; B-418490.2, May 19, 2020, 2020 CPD ¶ 179 at 8.

First, as discussed above, we have rejected all of Apogee's complaints regarding the "flawed underlying evaluation[s]" of the competing proposals. Apogee Comments/Supp. Protest at 21. Accordingly, Apogee's challenge to the best-value determination on the basis of those alleged flaws will not be further considered. Next, as discussed above, the documented record establishes that the FODA considered the various risks and benefits associated with each offeror's proposal--specifically including the risk associated with Bowhead's lower cost/price; recognized the relative importance of the three evaluation factors; and concluded that the benefits associated with Bowhead's proposal under the significantly more important non-cost/price evaluation factors outweighed the risk presented by its lower cost/price. Based on our review, we find no basis to question the reasonableness of that determination or its consistency with the terms of the solicitation; accordingly, we reject Apogee's protest challenging the agency's best-value tradeoff.

The protest is denied.

Thomas H. Armstrong
General Counsel