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Decision

Matter of: Tuba Group

File: B-419733

Date: June 30, 2021

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DIGEST

Protest that agency failed to perform a proper best-value tradeoff is denied where the record shows that the agency performed a tradeoff that was reasonable, consistent with the solicitation, and adequately documented.

DECISION

Tuba Group, a small business of Great Falls, Virginia, protests the General Services Administration's (GSA) award of a contract to Quality Innovation, Inc., under request for quotations (RFQ) No. 47QFHA20Q0002-ID06190009 for critical support services to GSA's National Customer Service Center (NCSC). The protester challenges the agency's best-value tradeoff decision, arguing that the agency used unstated evaluation criteria that improperly elevated the price factor to a degree of importance greater than set forth in the solicitation.

We deny the protest.

BACKGROUND

On January 17, 2020, GSA issued the RFQ, under the procedures of Federal Acquisition Regulation (FAR) subpart 8.4, seeking program support services for NCSC operations in Kansas City, Missouri. RFQ at 2. The RFQ, which was set aside for small businesses, provided for award of a fixed-price contract with a 1-year base period, and four 1-year options. *Id.* at 3-5.

The solicitation required evaluation on a best-value tradeoff basis, considering five evaluation factors: staffing plan; management plan, with general management approach to performance work statement (PWS), recruiting and retention approach, and experience subfactors; past performance; socio-economic status; and price. RFQ at 54-55. The staffing plan factor was more important than the management plan factor, the management plan factor was more important than the past performance factor, and the past performance factor was more important than the socio-economic status factor; however, when combined, the non-price factors were approximately equal to price.¹ *Id.* at 55.

As relevant to the protest, the agency would evaluate the staffing plan to assess the likelihood of performance success taking into consideration criteria like the labor mix, cost efficiency, skills and experience of the staff, and staff sufficiency. *Id.* The RFQ also required that the on-site lead have either three years of experience in the primary functional area, or an Associate’s Degree and one year of experience. Agency Report (AR), Tab E, PWS at 4.

The agency received quotations from several vendors, including Tuba and Quality Innovation. AR, Tab F at 1. After evaluating quotations, as discussed below, GSA conducted a best-value tradeoff analysis between three vendors, including the protestor and awardee. AR, Tab D, Award Decision Document (ADD). The source selection decision set forth the final evaluation results in detail, including the strengths and weaknesses for each offeror. *Id.* The evaluation of the awardee’s and protester’s proposals is summarized below:

	Quality Innovation	Tuba
Staffing Plan	Good	Outstanding
Management Plan	Good	Good
Past Performance	Significant Confidence	Significant Confidence
Socio-Economic Status	Excellent	Good
Price	\$11,659,320	\$12,123,456

AR, Tab D, ADD Addendum at 2. In the agency’s tradeoff decision, the source selection authority (SSA) recognized that there were an equal number of strengths between the offerors and focused on the staffing plan and socio-economic status factors “to determine if an appreciable difference exists between the offerors to justify the price premium.” *Id.* at 6. Under the staffing plan factor, the difference between the two offerors was the experience of the primary leads; Tuba’s lead has 37 years of experience, while the awardee’s primary lead has 25 years of experience. *Id.* The SSA determined that “the difference found in adjectival rating was solely based on an individual that had a significant amount of call center experience,” rendering this difference as it related to this factor “negligible.” *Id.* The SSA also noted that the

¹ Under the staffing plan and management plan factors, quotations received adjectival ratings of outstanding, good, acceptable, marginal, and unacceptable. RFQ at 56. To assign an adjectival rating, the SSA considered the strengths, weaknesses and deficiencies of each quotation under the corresponding evaluation factors. *Id.*

awardee received the highest rating of outstanding under the socio-economic status factor, while Tuba received the second highest rating of good, without further analysis. *Id.* Based on this analysis, the SSA determined that the agency could not justify the price premium between Tuba and the awardee, and thus awarded the contract to Quality Innovation. Contracting Officer's Statement (COS) at 3.

On March 31, 2021, the agency notified Tuba of its award decision. Protest at 4. Tuba subsequently requested a debriefing from the agency, to which the agency responded with a brief explanation that included a description of the tradeoff between price and the non-price factors.² *Id.* at 11. Following receipt of the brief explanation, Tuba filed this protest with our Office.

DISCUSSION

The protester alleges that GSA, in placing great emphasis on price to assess vendors' quotations, effectively rendered its decision on a lowest-priced, technically acceptable (LPTA) basis. Protest at 2. In this regard, the protester claims that the agency applied unstated evaluation criteria rather than making award on the basis established by the solicitation. *Id.* The protester also contends that GSA's refusal to pay a price premium for Tuba's higher-priced quotation was arbitrary and capricious.³ *Id.*

As noted above, the RFQ provided for a best-value source selection based upon consideration of each vendor's quotation under the staffing plan, management plan, past performance, socio-economic status, and price evaluation factors. When making tradeoff decisions in a best-value source selection, an agency has broad discretion in making a tradeoff between price and non-price factors. *Alliant Enter. JV, LLC*, B-410352.6, July 1, 2015, 2015 CPD ¶ 209 at 10. The tradeoff decision does not necessarily turn on the difference in ratings, but on whether the SSA's judgment concerning the significance of the difference was rational and consistent in light of the RFQ's evaluation criteria. *DRS Tech. Servs., Inc.*, B-412070, Dec. 2, 2015, 2015 CPD ¶ 377 at 2. The documentation supporting the decision must be sufficient to establish that the SSA was aware of the relative merits and costs of the competing proposals. *Id.*

On this record, we find no merit to Tuba's protest allegations. At the outset, we find unpersuasive Tuba's contention that the agency's award to a lower-rated, lower-priced vendor on the basis that the "solicitation ranked evaluation factors by importance, and made the non-price factors more important relative to price." Comments at 2. Here, the solicitation made it clear that the non-price factors would be weighed "approximately

² The agency also noted that in accordance with FAR section 8.405-2(d), the government may provide a brief explanation on the basis of the award as debriefings are not required under purchases made utilizing the procedures of subpart 8.4 of the FAR. *Id.*

³ The protester raises certain collateral arguments that we do not address here. We have reviewed all of the protest grounds and conclude that none provides a basis to sustain the protest.

equal to price” and that the “greater the equality of offers within the non-price factors, the more important price becomes in selecting the best value to the Government.” RFQ at 55. As such, vendors were made aware that price could become the determining factor if multiple high quality quotations were submitted. Thus, we reject the protester’s assertion that the agency applied unstated evaluation criteria by considering low price in its source selection decision.

Additionally, based upon our review of the record, we conclude that the protester has provided no basis to question the reasonableness of the agency’s tradeoff decision. As noted above, the protester also contends that its quotation “was more highly rated in the non-price factors than the putative awardee” and therefore should have been selected for award. Protest at 4.

Here, the record demonstrates that the SSA’s evaluation recognized that Tuba and Quality Innovation were rated equally under the management plan and past performance factors, Tuba was rated higher under the staffing plan factor, and Quality Innovation was rated higher for the socio-economic status factor. AR, Tab D, ADD at 6. The record also shows the SSA expressly acknowledged that the difference in the adjectival ratings under the staffing plan factor was entirely based on Tuba’s primary team lead’s 37 years of experience in customer service compared to Quality Innovation’s primary lead’s 25 years of experience. *Id.* Nonetheless, the SSA found that such a difference between the quotations was negligible, especially when considered in conjunction with the other strengths both vendors demonstrated under this factor.⁴ *Id.* The SSA subsequently concluded that this difference did not merit Tuba’s price premium of 3.90% or \$464,136. *Id.* The SSA’s consideration of the relative merits and costs of competing quotations is precisely the type of rational analysis that is within an agency’s discretion when conducting a best-value tradeoff analysis.

Finally, we reject the protester’s contention that the agency’s source selection decision was insufficiently documented. Contrary to the protester’s assertions, here, the contemporaneous record documented the SSA’s rationale for selecting Quality Innovation’s quotation as the best value to the government. AR, Tab D, ADD at 3-8. The award decision document demonstrates that the SSA was aware of the relative merits and costs of competing quotations when the SSA compared adjectival factors, weaknesses, and strengths. In this document, the SSA goes beyond the differences in the adjectival ratings and details the relevant strengths of Tuba’s quotation and contrasts those to the strengths of Quality Innovation’s quotation, ultimately concluding that Quality Innovation’s quotation presented a better value to the agency. *Id.* In making such comparisons and weighing the costs of each quotation, the record clearly shows that the SSA was aware of the relation between the merits and costs of the competing proposals. Therefore, we conclude that the agency’s tradeoff decision was

⁴ The SSA also noted that when combining the experience of the primary and alternate leads, Tuba possessed more than 50 years of experience, while Quality Innovation had 45 years of experience. AR, Tab D, ADD at 6.

adequately documented. See *General Dynamics--Ordnance & Tactical Sys.*, B-401658, B-401658.2, Oct. 26, 2009, 2009 CPD ¶ 217 at 8.

In sum, we have considered Tuba's various allegations regarding the agency's best-value tradeoff decision and find no basis to sustain the protest. See *DRS Technical Servs., Inc.*, B-412070, Dec. 2, 2015, 2015 CPD ¶ 377 at 4 (denying protest alleging that the competition was improperly converted to a lowest-priced, technically acceptable basis of award where the record shows that the best-value tradeoff decision was reasonable and adequately documented).

The protest is denied.

Thomas H. Armstrong
General Counsel