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Decision

Matter of: ICON Government and Public Health Solutions, Inc.

File: B-419751

Date: July 2, 2021

J. Bradley Reaves, Esq., and Beth V. McMahon, Esq., ReavesColey, PLLC, for the protester.

Noah B. Bleicher, Esq., Carla J. Weiss, Esq., and Moshe B. Broder, Esq., Jenner & Block, LLP, for General Dynamics Information Technology, Inc., the intervenor.

Captain Philip L. Aubart, Department of the Army, for the agency.

Heather Self, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's evaluation of proposals under two of three non-price evaluation factors is denied because the allegations reflect the protester's disagreements with the agency's evaluation judgments and the record reflects the evaluation was reasonable and consistent with the solicitation.
 2. Protest that agency improperly failed to conduct a best-value tradeoff is denied; when an agency selects the highest technically rated, lowest-priced proposal for award, a tradeoff is not required.
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DECISION

ICON Government and Public Health Solutions, Inc., of Hinckley, Ohio, protests the award of a contract to General Dynamics Information Technology, Inc. (GDIT), of Falls Church, Virginia, under request for proposals (RFP) No. W81XWH21R0078, issued by the Department of the Army, U.S. Army Medical Research and Development Command's Office of Regulated Activities, for regulatory consultation and other support services. The protester challenges the agency's evaluation of the firm's technical proposal. The protester also contends that the agency made award on a lowest-priced, technically acceptable basis, contrary to the solicitation, which established a best-value tradeoff selection methodology.

We deny the protest.

BACKGROUND

The U.S. Army Medical Research and Development Command “is the Army’s premier medical material developer responsible for medical research, development, acquisition, and medical logistics management.” Agency Report (AR), Tab 3, RFP at 2.¹ This Command executes work such as investigating “medical solutions for the battlefield with a focus on various areas of biomedical research, including military infectious diseases, combat casualty care, military operational medicine, medical chemical and biological defense, and clinical and rehabilitative medicine.” *Id.* Within this Command, the Office of Regulated Activities “provides regulatory support for [Department of Defense] drug, biologic, device, and combination products from product concept to products in the advanced development pipeline.” *Id.* The Office of Regulated Activities’ work includes provision of “regulatory strategy and advice, data management, pharmacovigilance, biostatistics, product technical services and support, clinical monitoring, regulatory, publishing, and submissions to the Food and Drug Administration (FDA).” *Id.*

The agency issued the solicitation on December 22, 2020, using the best-value tradeoff procedures of Federal Acquisition Regulation (FAR) part 15. RFP at 1-2. The solicitation sought proposals for the provision of regulatory consultation, regulatory oversight, and contract research organization support services to the Office of Regulated Activities. *Id.* at 2. The services to be provided include “administrative, financial, clinical, nonclinical, manufacturing and regulatory support for drugs, biologics, and devices within an integrated product team framework. . . .” *Id.*

The solicitation contemplated award of a single indefinite-delivery, indefinite-quantity (IDIQ) contract with a 5-year ordering period, five 1-year option periods, a minimum guarantee of \$1 million over the life of the contract, and a maximum ordering limit of \$95 million for the entire ordering period. RFP at 1, 3. The agency may issue fixed-price and time-and-materials task orders under the resulting IDIQ contract. *Id.* at 4. In addition to awarding the base IDIQ contract, the solicitation provided for simultaneous issuance of an initial task order, and set out a separate performance work statement (PWS) for it. *Id.* at 40, 120-162.

The solicitation provided that award would be made on the basis of the following four factors, listed in descending order of importance: (1) technical; (2) small business participation; (3) past performance; and (4) price. RFP at 46. The technical factor was further broken down into three subfactors, also listed in descending order of importance: (i) technical approach for the initial task order; (ii) experience; and (iii) management approach. *Id.* at 47. The solicitation established that the three non-price factors combined were significantly more important than price. *Id.*

The agency received three timely proposals, including those from ICON and GDIT. AR, Tab 7, Award Decision at 5. Following receipt of initial proposals, the agency amended the solicitation to resolve ambiguities and clarify instructions to offerors. *Id.* After

¹ Citations to the record are to the Adobe .pdf pagination.

issuance of solicitation amendment No. 2, the agency received revised proposals from ICON and GDIT. *Id.* The evaluators assessed the proposals as follows:

	ICON	GDIT
Technical (Overall)	Good	Outstanding
Technical Approach to Initial Task Order	Good	Outstanding
Experience	Good	Good
Management Approach	Good	Outstanding
Small Business Participation	Good	Good
Past Performance	Very Relevant Substantial Confidence	Relevant Substantial Confidence
Price²	\$6,778,000	\$5,577,204

Id. at 18.

The contracting officer, who was also the source selection authority (SSA), found that GDIT’s proposal was superior to ICON’s under the two most important factors--technical and small business participation. AR, Tab 7, Award Decision at 40-41, 45. The SSA also considered GDIT and ICONs’ past performance ratings to be “of comparable merit.” *Id.* at 42. After determining that GDIT’s proposed price was fair and reasonable, the SSA concluded that a tradeoff was not needed because GDIT’s proposal was the highest technically rated and lowest-priced. *Id.* at 42-43. The SSA selected GDIT’s proposal as offering the best value to the agency. *Id.* at 43. Following a debriefing, ICON filed this protest with our Office.

DISCUSSION

ICON is the incumbent contractor, currently performing the solicited services for the agency. AR, Tab 3b, RFP Questions and Answers at 7. ICON challenges the evaluation of its proposal under two of the three non-price factors--small business participation and technical. ICON also contends that the agency failed to conduct a best-value tradeoff analysis, as required by the solicitation, and instead made award on a lowest-priced, technically acceptable basis. We have considered all of ICON’s assertions and find that none provide a basis to sustain the protest.

As an initial matter, we note that the evaluation of proposals is a matter within the discretion of the contracting agency because the agency is responsible for defining its needs and the best method of accommodating them. *XLA Assocs., Inc.*, B-412333.2, Jan. 29, 2016, 2016 CPD ¶ 54 at 6. In reviewing protests of alleged improper evaluations and source selection decisions, our role is not to reevaluate submissions; rather, we examine the record to determine if the agency’s judgment was reasonable

² Prices are for the initial task order, and have been rounded to the nearest dollar.

and in accord with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Trofholz Techs., Inc.*, B-404101, Jan. 5, 2011, 2011 CPD ¶ 144 at 3. An offeror's disagreement with an agency's judgment, without more, is not sufficient to establish that an agency acted unreasonably. *Id.* at 3-4; *XLA Assocs., Inc.*, *supra* at 6; *Arctic Slope Mission Servs. LLC*, B-417244, Apr. 8, 2019, 2019 CPD ¶ 140 at 8.

Small Business Participation Factor

With respect to the agency's evaluation under the small business participation factor, ICON contends that the agency deviated from the rating scheme set forth in the solicitation by evaluating the firm's proposal as meriting a rating of good, rather than outstanding. Protest at 7-8; Comments at 5-6. In support of its argument, ICON points to the evaluators' assessment that the firm's proposal indicated "an exceptional approach and understanding of the small business objectives," which mirrors the solicitation's language setting forth the definition for a rating of outstanding. Protest at 8; Comments at 5. In response, the agency points out that there were multiple elements to the small business participation factor evaluation, and the protester's argument focuses on only one element, rather than the entire assessment under the factor. AR, Tab 1, Memorandum of Law (MOL) at 9-10; Tab 2, Contracting Officer's Statement (COS) at 7.

Here, the solicitation established minimum levels of small business participation that all offerors were required to meet in their proposals. RFP at 51. Specifically, the solicitation required offerors to meet or exceed 32 percent participation for small businesses overall, as well as setting forth separate minimum levels of participation for four small business subcategories: small disadvantaged; woman-owned; service-disabled veteran-owned; and historically underutilized business zone certified small businesses. *Id.* The solicitation further provided that the agency would evaluate an offeror's commitment to small business performance of the contract based on the following seven elements: (1) the extent to which small businesses were "specifically identified in" an offeror's proposal; (2) the extent to which an offeror committed to use small businesses, with more weight being given to enforceable commitments over non-enforceable ones; (3) the extent of participation of small businesses "in terms of the value of the total acquisition"; (4) the realism of an offeror's proposal; (5) the extent to which an offeror provided "detailed explanations/documentation supporting the proposed participation percentages"; (6) the extent to which an offeror described "established procedures to ensure timely payments to small business subcontractors"; and (7) an offeror's "record of compliance with" prior small business subcontracting plans. *Id.* at 50-51.

The solicitation established that the agency would assign one of five adjectival ratings to a firm's proposal under the small business participation factor--outstanding, good, acceptable, marginal, or unacceptable. RFP at 51. As relevant here, the solicitation set forth the following definitions for ratings of outstanding and good:

Outstanding--Proposal indicates an exceptional approach and understanding of the small business objectives.

Good--Proposal indicates a thorough approach and understanding of the small business objectives.

Id.

The record reflects that ICON proposed a target of 32 percent for total small business participation, which met, but did not exceed, the solicitation's minimum requirement. AR, Tab 5, Protester's Revised Proposal at 167. When broken down into small business subcategories, however, the protester's proposal exceeded the solicitation's minimum requirements by at least double for each of the solicitation's four subcategories. *Id.* at 166-167; AR, Tab 6b, Protester's Small Business Participation Evaluation Report (Small Bus. Eval. Rpt.) at 1. The evaluators considered the protester's proposed doubling of participation in each small business subcategory to indicate "an exceptional approach and understanding of the small business objections." AR, Tab 6b, Protester's Small Bus. Eval. Rpt. at 1. The evaluators further found this aspect of ICON's proposal merited a significant strength because "it significantly increase[d] the likelihood of meeting the [g]overnment's small business objectives." *Id.*

The evaluators also assessed a strength in ICON's proposal because the firm "thoroughly demonstrated its commitment to use the [small business] firms specifically identified in its proposal by providing evidence of enforceable commitments." *Id.* at 2. The evaluators did not assess any weaknesses or deficiencies in ICON's proposal under the small business participation factor. *Id.* Overall, the evaluators concluded that ICON's proposal merited a rating of good, as the firm's proposal indicated "a thorough approach and understanding of the small business objectives."

We find that the protester's argument is not supported by the evaluation record. Two aspects of ICON's small business plan were assessed a strength and a significant strength, respectively. Although the language used by the evaluators to describe the significant strength mirrors the solicitation's definition for a rating of outstanding, the protester's argument ignores the language used by the evaluators to describe the strength (as opposed to the significant strength), which mirrors the solicitation's definition for a rating of good. Moreover, the strength and significant strength assessed for ICON's small business plan involved only two of the seven elements the agency used to evaluate the overall small business factor. The agency exercised its judgment in assessing the overall merit of ICON's small business participation proposal and assigned a rating of good, based on the attributes of the firm's proposal as well as the combination of the significant strength and strength assigned to the proposal. AR, Tab 6b, Protester's Small Bus. Eval. Rpt. at 1-2; COS at 7; MOL at 9. The protester's disagreement, without more, does not demonstrate that the agency's judgment in assigning a rating of good, rather than outstanding, was unreasonable. See e.g., *CH2M Hill Antarctic Support, Inc.*, B 406325 *et al.*, Apr. 18, 2012, 2012 CPD ¶ 142 at 5 (denying protest challenging assignment of very good, rather than excellent, rating because the protester did not demonstrate that the agency's judgment in assessing the

rating was unreasonable). Accordingly, we deny ICON's challenge to the agency's evaluation of the protester's proposal under the small business participation factor.

Technical Factor

Under the technical factor, ICON challenges the assessment of a weakness in its proposal, argues it was unreasonable for the agency not to assess an additional strength in the firm's proposal, and maintains that its proposal merited a higher rating of outstanding, rather than good. For the reasons discussed below, we deny each of ICON's challenges.

The record reflects that the evaluators assessed one significant strength, nine strengths, two weaknesses, and zero deficiencies in ICON's proposal, and assigned it a rating of good under the technical factor. AR, Tab 6a, Protester's Technical Evaluation Report (Tech. Eval. Rpt.) at 1, 3-9. ICON challenged one of the two weaknesses assessed in its proposal. Specifically, ICON argued that the evaluators unreasonably ignored information in the firm's proposal when they assessed a weakness under the management approach subfactor because, according to the agency's assessment, ICON's proposal did not provide specific timeframes for standing up teams for future task orders, as required by the solicitation.³ Protest at 10-11; see also AR, Tab 6a, Protester's Tech. Eval. Rpt. at 9.

³ ICON argued in the alternative that, to the extent its proposal was missing information about the firm's timeframes for standing up teams on future orders, it was impossible for any offeror to provide such information for future task orders with as yet undefined scopes of work. Protest at 10. Our Bid Protest Regulations contain strict rules for the timely submission of protests. These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without disrupting or delaying the procurement process. *Armorworks Enters., LLC*, B-400394, B-400394.2, Sept. 23, 2008, 2008 CPD ¶ 176 at 5. Under these rules, a protest based on alleged improprieties in a solicitation that are apparent prior to the closing time for receipt of proposals must be filed before that time. 4 C.F.R. § 21.2(1)(1).

Here, the solicitation required offerors to describe "an effective approach for planning, management, organization, and timeframes associated with standing-up teams for single and multiple task orders." RFP at 42. The solicitation further provided that offerors' timeframes would "be evaluated on the speed and reasonableness of standing-up teams and advance notice requirement from the [g]overnment to meet the timeframes described in the PWS." *Id.* at 49. While ICON now contends that it was "impossible" for offerors to provide the requested information, the information clearly was required by the solicitation. Accordingly, it was incumbent on ICON to raise this issue before the time set for receipt of proposals, as this alleged problem was apparent from the face of the solicitation. *Armorworks Enters., LLC, supra* at 5. As such, this allegation is untimely and is dismissed.

In its report to our Office, the agency responded to this protest argument. See COS at 9; MOL at 16. ICON's comments on the agency's report, however, fail to address or discuss the agency's response to the assessment of the weakness related to timeframes. See Comments at 3-5. As a result of ICON's failure to comment on the agency's response to this challenge, we have no basis to conclude that the agency's assessment of this weakness in ICON's proposal was unreasonable or improper. *Quantech Servs., Inc.*, B-417347, B-417347.2, May 29, 2019, 2019 CPD ¶ 203 at 6.

In addition to challenging one of the two weaknesses assessed in its proposal, ICON contends that the evaluators unreasonably failed to assess an additional strength under the technical approach subfactor for the firm's commitment to provide personnel in excess of the solicitation's estimated level of effort. Protest at 9-10; Comments at 3-5. The agency responds that the level of effort provided in the solicitation was only an estimate, and that it was not clear from ICON's proposal how the additional personnel being offered would equate to superior results on required tasks or otherwise be advantageous to the government. COS at 8; MOL at 14-15. ICON argues that the agency ignored information in the firm's proposal. Protest at 9-10; Comments at 3-5.

As relevant here, the solicitation provided "an estimated level of effort for the initial task order." RFP at 46. The solicitation explained that the estimate was provided "as a reference to allow [o]fferors to better understand the general scope of this effort from the [g]overnment's perspective," and was "only put in place for [o]fferors to ascertain the approximate or estimated level of effort for this contract." *Id.* at 118. The solicitation cautioned that the estimate should "not be construed as either mandatory or necessarily the best technical approach," and clarified that offerors were "not bound to propose [the provided] labor categories or quantities." *Id.* Further, the solicitation established that the agency was "seeking the best level of effort and labor mix that the [o]fferor has determined is right to accomplish the mission contained in this task statement," and that an offeror was "expected to provide its best solution citing the labor mix and quantity required to accomplish the tasks" in the initial task order PWS. *Id.* Finally, the solicitation "strongly encouraged" offerors "to submit a level of effort consistent with all of the cost/price and non-cost/price aspects of" their approaches in the event they concluded that the labor categories or overall level of effort provided in the estimate were "not the best technical solution." *Id.*

The solicitation's estimated level of effort for the initial task order was for 39 full-time equivalent (FTE) personnel, of which 4.5 FTEs were designated as key personnel. RFP at 118-119. ICON proposed [DELETED] FTEs for the initial task order. AR, Tab 5, Protester's Revised Proposal at 343. The agency explains that it did not consider the FTEs proposed by ICON in excess of the solicitation's estimated level of effort to warrant assessment of a strength because "ICON's proposal did not include any discussion or explanation of the variance between the [g]overnment's estimated level of effort and [the firm's] proposed level of effort." COS at 8. The agency contends that ICON's proposal did not indicate "how the number of personnel represented any specific technical approach to the tasks to be performed, or how its proposed staffing would provide advantages over the [agency's] estimated level of effort." *Id.*

ICON points to multiple statements in its proposal that it contends explain the advantages of its proposed extra FTEs, and which it maintains the agency ignored. Comments at 4. First, ICON points to a statement that its proposed labor mix includes “[DELETED] new personnel to provide the administrative and financial support described in the [initial task order] PWS that is not covered under the expiring contract.” *Id.*, citing AR, Tab 5, Protester’s Revised Proposal at 343. Second, ICON points to statements in its proposal explaining that “[t]he activities called for in the [initial task order] PWS nearly mirror the activities ICON currently provides under the expiring [‘]bridge[‘] contract,” and that ICON “believe[s] the current workforce is structured properly to continue supporting [the agency]” resulting in ICON’s approach to provide “the same approximate level of effort and personnel currently performing. . . .” *Id.* at 342-343. Third, ICON points to a statement that its “pricing adds several new labor categories to provide an enhanced structure to the support workforce and defines which individual positions will perform the role of functional “Leads” to ensure the work is managed and coordinated effectively.” *Id.* Fourth, ICON points to “lengthy tables” included in its proposal that listed “the new positions or the positions that varied from the [a]gency’s [level of effort] estimates,” which ICON maintains “explained the particular value these positions would provide.” Comments at 5, citing AR, Tab 5, Protester’s Revised Proposal at 339, 344.

ICON questions how “the provision of additional dedicated employees” could “not be viewed as advantageous, especially when the employees are currently utilized on the incumbent contract.” Protest at 10 (emphasis omitted). ICON maintains that the agency’s conclusion that the “additional employees conferred no advantage to the [g]overnment whatsoever in meeting its needs is illogical and highly suspect.” *Id.* (emphasis omitted).

As we have explained previously, an agency is not required to document all determinations of adequacy or explain why a proposal did not receive a strength, weakness, or deficiency for a particular item. *Raytheon Co.*, B-417935 *et al.*, Dec. 13, 2019, 2020 CPD ¶ 6 at 10; *CRAssociates, Inc.*, B-414171.2, B-414171.3, Jan. 16, 2018, 2018 CPD ¶ 87 at 4. ICON may view as “illogical and highly suspect” the evaluators’ conclusion that no advantage was conferred by the firm’s offer to provide [DELETED] to address new tasks not required under the incumbent contract. Such disagreement, without more, however, is insufficient to demonstrate that the agency’s judgment was unreasonable.⁴ *Id.* Based on the record here, we find unobjectionable the agency’s decision not to assign a strength to the protester’s proposal for offering a level of effort

⁴ To the extent ICON’s argument is based on its incumbency and its proposal to continue performing with incumbent staff, we have repeatedly explained that “a protester’s apparent belief that its incumbency status entitled it to higher ratings or dispositive consideration provides no basis for finding an evaluation unreasonable.” *Raytheon Co.*, *supra* at 6. There is no requirement that an offeror be given additional credit for its status as an incumbent, or that the agency assign or reserve the highest rating for the incumbent offeror. *Id.*

that the agency reasonably concluded met, but did not exceed, the solicitation's requirements. See e.g., *InterOps, LLC*, B-416563, B-416563.2, Oct. 16, 2018, 2018 CPD ¶ 360 at 10 n.4 ("Agencies are also not required to assign strengths for aspects of proposals that only meet the requirements of the solicitation."); *Arctic Slope Mission Servs. LLC*, *supra* at 9-10 (finding unobjectionable the agency's conclusion that the protester's proposal did not merit the assessment of additional strengths for offering employee recruitment and retention strategies and programs that met, but did not exceed, the solicitation requirements).

ICON further argues that the agency unreasonably assigned the firm's proposal a rating of good, rather than outstanding under the technical factor. Protest at 8-9; Comments at 3. As with its contentions under the small business participation factor, ICON points to the solicitation's adjectival ratings' definitions in support of its argument under the technical factor. *Id.* The solicitation provided that offerors' proposals would be assigned one of five ratings under the technical factor--outstanding, good, acceptable, marginal, or unacceptable. RFP at 50. As relevant here, the solicitation set forth the following definitions for ratings of outstanding and good:

Outstanding--Proposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths, and risk of unsuccessful performance is low.

Good--Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength, and risk of unsuccessful performance is low to moderate.

Id.

While the evaluators assessed several strengths in ICON's proposal, they also assessed two weaknesses, and concluded that the overall approach described by ICON was thorough, but not exceptional, as required for the higher rating of outstanding. AR, Tab 6a, Protester's Tech. Eval. Rpt. at 1-2. ICON's arguments offer nothing more than the protester's disagreement with the agency's judgment. Such disagreement, without more, does not demonstrate that the evaluators' judgment in assigning a rating of good, rather than outstanding, was unreasonable. See e.g., *CH2M Hill Antarctic Support, Inc.*, B-406325 *et al.*, Apr. 18, 2012, 2012 CPD ¶ 142 at 5 (denying protest challenging assignment of very good, rather than excellent, rating because the protester did not demonstrate that the agency's judgment in assessing the rating was unreasonable).

Moreover, as we have repeatedly explained, evaluation ratings, whether they be adjectival or numerical, are merely guides for intelligent decision-making. *Wellpoint Military Care Corp.*, B-415222.5, B-415222.8, May 2, 2019, 2019 ¶ 168 at 9. The essence of an agency's evaluation is reflected in the documented qualitative findings about the proposals, not the adjectival ratings. *PricewaterhouseCoopers Public Sector, LLP*, B-415504, B-415504.2, Jan. 18, 2018, 2018 CPD ¶ 35 at 7. As discussed above, our review of the record finds nothing objectionable about the agency's qualitative

evaluation of ICON's proposal under the technical factor; thus, we deny ICON's challenges.

Source Selection Decision

ICON argues that the agency unreasonably made its source selection decision because it failed to consider the qualitative differences between the proposals, and instead made award on a lowest-priced, technically acceptable basis. Protest at 5-7; Comments at 1-3. The agency responds that GDIT's proposal received the highest technical rating and offered the lowest price, and, therefore, a tradeoff was not required. COS at 6; MOL at 8. The agency also notes that the analysis reflected in the source selection decision includes consideration of the qualitative differences between the proposals. MOL at 7-8, *citing* AR, Tab 7, Award Decision at 42-43.

In a competitive negotiated procurement, a source selection decision must be based upon a comparative assessment of proposals against all of the solicitation's evaluation criteria. FAR 15.308. We will review an agency's source selection decision to ensure that it is reasonable and consistent with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *Arrowpoint Corp., B-417375.2, B-417375.3, Oct. 25, 2019, 2019 CPD ¶ 367* at 11. Based on the record here, we find the agency's source selection decision to be reasonable. Our review of the record shows that the SSA carefully reviewed the technical and past performance evaluations, and compared the proposals under each of the non-price factors. AR, Tab 7, Award Decision at 36-43.

For example, both ICON and GDITs' proposals received the same adjectival rating of good under the small business participation factor. AR, Tab 7, Award Decision at 40. The record shows that the evaluators assessed a similar significant strength and strength in both firms' proposals "for the extent of participation of small business firms" and evidence of enforceable commitments to utilize small businesses, respectively. *Id.* The record also reflects that the SSA looked behind the firms' receipt of the same adjectival ratings and similar strengths, noting that the evaluators assessed an additional strength in GDIT's proposal, but not in ICON's, for GDIT's "level and degree of commitment to small business utilization/participation." *Id.* Similarly, the SSA noted that GDIT's proposal received a third strength, which was partially offset by a weakness, for showing that the firm "significantly exceeded small business goals" on two out of three recent contracts, but fell short of the goals on a third recent contract. *Id.* at 40-41.

The SSA also compared the extent to which the two offerors' proposed small business utilization rates exceeded the solicitation's minimum requirements. AR, Tab 7, Award Decision at 40. The SSA noted that the two firms were equal or within a point of each other for three of the four small business subcategories established in the solicitation, but that GDIT's proposed utilization of service-disabled veteran-owned small businesses was triple that of ICON's proposed utilization and six times the solicitation's minimum requirement. *Id.* at 41. Based on this qualitative comparison of the proposals, the SSA concluded that GDIT's proposal was superior to ICON's under the small

business participation factor despite both proposals' receipt of the same adjectival rating. *Id.* Our review of the record provides no basis for us to question the SSA's judgment in this regard. *See e.g., Great Lakes Towing Co. d/b/a Great Lakes Shipyard, B-408210, June 26, 2013, 2013 CPD ¶ 151 at 5* (finding that in concluding the awardee's proposal was slightly superior to the protester's proposal the agency appropriately considered the qualitative differences between the proposals notwithstanding the proposals' receipt of the same adjectival ratings).

As a second example, the record reflects that the SSA looked behind the adjectival ratings in considering the offerors' past performance. As noted above, the evaluators assessed ICON's past performance as very relevant and assigned it a rating of substantial confidence, and they assessed GDIT's past performance as relevant and also assigned it a rating of substantial confidence. AR, Tab 7, Award Decision at 36, 41-42. The SSA acknowledged that ICON's past performance involved "essentially the same scope and magnitude and complexities of effort" as required by the solicitation, while GDIT's past performance involved only "similar scope and magnitude and complexities of effort" as the solicitation. *Id.* at 42. The SSA noted, however, that the quality of both offerors' past performance references was similar, with both firms' references providing them ratings of substantial or satisfactory confidence. *Id.* The SSA also noted that GDIT's quality ratings in the Contractor Performance Assessment Reporting System were higher than ICON's, with GDIT mostly receiving ratings of exceptional while ICON mostly received ratings of satisfactory. *Id.*

Based on this qualitative comparison of the different-rated proposals, the SSA concluded that "GDIT's and ICON's [p]ast [p]erformance records are of comparable merit and represent similar risk to the [g]overnment." AR, Tab 7, Award Decision at 42. ICON disagrees with the SSA's assessment that the two firms offered past performance of comparable merit. Comments at 2. Our review of the record, however, provides no basis for us to question the SSA's judgment in this regard. *See e.g., Special Applications Group, B-417698.2, B-417698.3, Feb. 19, 2019, 2020 CPD ¶ 84 at 11* (finding reasonable the SSA's conclusion that protester's higher past performance rating did not merit payment of a 30 percent price premium when the awardee's lower past performance rating resulted from the lower relevance, and not the quality, of the awardee's past work).

Contrary to the protester's allegations, the record here reflects that the source selection decision was based on a comparison of the proposals' underlying features, and that the SSA reasonably concluded that GDIT's proposal was superior to ICON's under the two most important non-price factors (technical and small business participation) and equal to ICON's under the least important non-price factor (past performance). Additionally, when, as here, the highest-rated proposal also offers the lowest-price, a tradeoff is not necessary. *Arctic Slope Mission Servs., LLC, supra* at 11. Accordingly, we deny the protester's challenge to the agency's source selection decision. *See e.g., Arrowpoint Corp., supra* at 11 (finding unobjectionable an award decision that was based on a comparison of the proposals' underlying qualitative merits, rather than a mechanical comparison of the adjectival ratings).

The protest is denied.

Thomas H. Armstrong
General Counsel