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Decision

Matter of: Research Analysis & Maintenance, Inc.

File: B-410570.6; B-410570.7

Date: July 22, 2015

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Major Travis P. Sommer, Captain Lyn P. Juarez, and Scott N. Flesch, Esq., Department of the Army, for the agency.

Evan D. Wesser, Esq., Heather Weiner, Esq., and Jonathan L. Kang, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's implementation of corrective action taken in response to an earlier protest is denied where the corrective action taken by the agency was consistent with its previously proposed corrective action.
 2. Protest challenging the agency's evaluation of the protester's technical proposal is denied where the agency's evaluation was reasonable and consistent with the terms of the solicitation.
 3. Protest alleging that the agency did not engage in meaningful discussions by failing to reopen discussions to address a significant weakness in the protester's proposal is denied where the information giving rise to the evaluated weakness was first introduced in the protester's revised proposal following discussions.
 4. Protest challenging the agency's cost realism evaluation of the protester's cost/price proposal is denied where the protester has failed to demonstrate that the evaluation was unreasonable or prejudicial.
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DECISION

Research Analysis and Maintenance, Inc. (RAM), of El Paso, Texas, protests the award of a contract to Combined Technical Services, LLC (CTS), of Albuquerque,

New Mexico, under request for proposals (RFP) No. W91151-14-R-0999, which was issued by the Department of the Army, for test support services for the United States Army Operational Test Command (USAOTC) at Fort Hood, Texas.¹ RAM challenges the agency's implementation of corrective action taken in response to the protester's previous protest, the evaluation of the protester's mission capability and cost/price proposals, and failure to reopen discussions to address a significant weakness.

We deny the protest.

BACKGROUND

The USAOTC plans for, conducts, and reports on independent operational tests, experiments, and assessments of Army material and information mission area systems in order to provide information for the acquisition and fielding of war fighting systems. RFP at 7. On October 31, 2012, the Army issued the RFP seeking proposals for data management, data collection, instrumentation, and logistics support for operational test events conducted by USAOTC. Id. at 6. The RFP contemplated the award of a single cost-plus-fixed-fee, indefinite-delivery, indefinite-quantity contract, with a 3-year period of performance and up to a 6-month optional extension pursuant to Federal Acquisition Regulation (FAR) clause 52.217-8, Option to Extend Services. Id. at 1.

The solicitation provided for award on a best value basis, considering four factors: (1) mission capability, (2) past performance, (3) small business participation, and (4) cost/price. Id. at 117-121. The mission capability factor was divided into three subfactors: (1) understanding of the requirements/mission, (2) management organization/employee recruitment and retention, and (3) sample task authorization request (TAR) oral presentation. Id. at 117. The RFP stated that the agency's overarching evaluation approach for all factors and elements was to evaluate the adequacy of the response, meaning "whether the offeror's technical methods and approach have adequately and completely considered, defined, and satisfied the requirements as specified in the RFP," and the feasibility of the approach, meaning "the extent to which the proposed approach is workable and the end result is achievable." Id. at 116. For purposes of award, mission capability was to be significantly more important than past performance, which in turn was to be significantly more important than small business participation. Id. All of the

¹ The original solicitation for this procurement was issued on October 31, 2012, as RFP No. W91151-12-R-0037; the solicitation number was changed for administrative purposes to the number referenced in the text (above) on July 18, 2014. See AR, Tab 20, Evaluation Notice (EN) to RAM (July 18, 2014), at 1. References to the RFP herein are to the most current version of the RFP conformed through the first amendment.

non-cost/price factors, when combined, were to be significantly more important than cost/price. Id.

Regarding the mission capability factor, the RFP provided evaluation criteria for each of the three subfactors. For the understanding of the requirements/mission subfactor, the agency was to evaluate whether the proposal demonstrated understanding of the processes and procedures required to perform operational test support services on a government installation, including the functions set forth in the RFP's performance work statement (PWS). Id. at 117. For the management organization/employee recruitment and retention subfactor, the agency was to evaluate whether the proposal demonstrated an organizational structure that promotes the efficient and flexible utilization of the contractor's personnel, and whether the offeror's method of recruitment and retention demonstrated an understanding of the special skills required and the difficulty in obtaining and keeping qualified personnel. Id. For the sample TAR oral presentation subfactor, the agency was to evaluate the offeror's proposed technical approach, methodology, corporate capabilities and skills, and staffing levels and hours regarding two sample TARs described in RFP attachment nos. 15 and 16. Id.²

Regarding the evaluation of cost/price, the RFP stated that the Army would evaluate for price reasonableness, cost realism, and pricing balance in accordance with FAR § 15.404-1. Id. at 121. The RFP also stated that the option to extend services period would be evaluated by adding six months of the offeror's cost for the final year of performance to the offeror's total cost. Id.

The Army received five proposals in response to the RFP, and included all five in the competitive range. AR, Tab 26, Source Selection Decision (Mar. 23, 2015), at 2. In April 2013, the Army selected CTS's proposal for award.

Prior Protest History

In response, RAM and a third offeror filed protests with our Office challenging the agency's award of the contract to CTS. See Research Maint. & Analysis, Inc., B-408268, July 9, 2013; ManTech Int'l Corp., B-408268.2, B-408268.3, July 2,

² The RFP stated that requirements under the resulting contract would be issued to the contractor in the form of TARs, which will identify the government's requirements within the scope of the RFP's PWS. RFP at 56. The RFP included six sample TARs. Id. at 83-84. The numbers for the sample TARs are derived from the RFP attachments in which they were addressed. For example, TAR 9 refers to the sample TAR described in RFP attachment No. 9. Although offerors were only required to provide technical approaches in their oral presentations for TARs 15 and 16, the RFP instructed offerors to provide cost/price data for all of the sample TARs. Id. at 113.

2013. Our Office dismissed the protests as academic following the agency's notice of voluntary corrective action.

In October 2013, after a reevaluation of proposals, the Army again selected CTS's proposal for award. RAM and the third offeror again filed protests with our Office challenging the agency's award of the contract to CTS. See ManTech Int'l Corp., B-408268.4, Feb. 12, 2014; Research Maint. & Analysis, Inc., B-408268.5, Feb. 12, 2014. We dismissed those protests as academic following the agency's proposal to take voluntary corrective action.

As part of the agency's corrective action in response to the protests, the contracting officer established a competitive range of five offerors, including RAM and CTS. AR, Tab 20, EN to RAM (July 18, 2014), at 1. The agency provided these offerors with evaluation notices (ENs), which described issues identified by the agency in the offerors' proposals regarding TARs 15 and 16, and permitted the offerors to respond and provide corresponding proposal revisions to their respective cost proposals for those TARs. See, e.g., id.

At the same time, the agency also reissued the RFP using a new solicitation number. Id. The reissued RFP included attachment No. 17, titled "Revised Cost Proposal and Baseline Data," which added a requirement that offerors provide revised and complete cost proposals for TARs 9 through 12 based on the baseline staffing data presented in the attachment. RFP at 1, 84; RFP, attach. No. 17, at 1; Contracting Officer's Second Supp. Statement of Facts (July 1, 2015) at 1. The attachment stated that any deviations from the labor hours and mix in the staffing matrix had to be supported with detailed narrative explanations, and would be evaluated consistent with the mission capability evaluation criteria. RFP, attach. No. 17, at 1. Proposal revisions specific to attachment No. 17, and responses to the ENs were to be submitted by August 4. AR, Tab 20, EN to RAM (July 18, 2014), at 2.

On August 4, RAM timely submitted its responses to the July 18 EN. AR, Tab 21, RAM EN Responses and Proposal Revision (Aug. 4, 2014). Additionally, RAM submitted a response to attachment No. 17 because it chose to propose deviations from the staffing matrix for TAR 9. AR, Tab 67, RAM TAR 9 Methodology (Aug. 4, 2014). On August 13, the agency notified offerors that discussions were closed, and invited offerors to submit final proposal revisions (FPR). AR, Tab 158, Discussions Closing Letter to RAM (Aug. 13, 2014), at 1. On August 18, RAM timely submitted a FPR. AR, Tab 154, RAM FPR (Aug. 18, 2014).

After evaluating FPRs, the agency assigned RAM's proposal an overall rating of acceptable under the mission capability factor. The Army identified several strengths, but also identified a significant weakness because RAM's "proposed methodology to substitute labor categories and hours for TAR 9 with a significantly understaffed data collection team and the utilization of the [Enterprise Data

Collection System (EDCS)] application as a data collection tool would pose a significant risk of unsuccessful performance because of its inability to meet a typical test schedule.” AR, Tab 25, Source Selection Evaluation Board (SSEB) Report (Sept. 3, 2014), at 4. Ultimately, the Army selected a third offeror’s proposal for award.

CTS and RAM filed protests challenging the agency’s award of the contract to the third offeror. See Combined Tech. Servs. LLC, B-410570, B-410570.2, Dec. 9, 2014; Research Maint. & Analysis, Inc., B-410570.3, B-410570.4, Dec. 9, 2014. Both protesters alleged that the Army failed to reasonably evaluate whether the awardee had an unmitigable organizational conflict of interest (OCI). CTS Protest, B-410570 (Oct. 6, 2014), at 19-22; RAM Protest, B-410570.3 (Oct. 24, 2014), at 13-15. Regarding the evaluation of its proposal, RAM alleged that the Army unreasonably evaluated its proposed technical methodologies and labor hours for TAR 9 “when there was no requirement in the solicitation to evaluate that TAR.” RAM Protest, B-410570.3 (Oct. 24, 2014), at 3. RAM also argued that the agency unreasonably evaluated RAM’s proposed use of the EDCS. Id. at 6-11. In addition, the protester challenged the agency’s cost realism evaluation of RAM’s cost/price proposal, and alleged that the Army unreasonably failed to reopen discussions to address the significant weakness regarding RAM’s approach to TAR 9. See id. at 11-12; RAM Supp. Protest, B-410570.4 (Dec. 1, 2014), at 2.

On December 5, the Army proposed to take voluntary corrective action in response to the CTS and RAM protests. Specifically, the agency represented that it would:

[R]eview its current acquisition strategy, and if warranted, amend the solicitation, and invite revised proposals as appropriate. If an amendment is not warranted, the Source Selection Authority will re-evaluate appropriate volumes of current proposals and render a new source selection decision. Any of these actions will result in a new source selection decision being made.

AR, Tab 4, Contracting Officer’s Corrective Action Memo. (Dec. 5, 2014), at 1.

Based on the Army’s proposed voluntary corrective action, and in the absence of any stated objection from RAM, our Office dismissed RAM’s protest as academic. AR, Tab 6, GAO Dismissal of B-410570.3, B-410570.4 (Dec. 9, 2014), at 1. During corrective action, the agency requested that offerors update their OCI representations, but did not allow any proposal revisions. See AR, Tab 8, Agency Answers to RAM Debriefing Questions (undated), at 1-2.

On March 23, 2015, the SSA made a new source selection decision selecting CTS’s proposal as representing the best value to the government. AR, Tab 26, Source

Selection Decision (Mar. 23, 2015).³ As relevant here, the agency's final evaluation for RAM and CTS was as follows:

Factor	RAM	CTS
Mission Capability	Acceptable	Good
Past Performance Relevancy/Confidence	Very Relevant/ Substantial Confidence	Very Relevant/ Substantial Confidence
Small Business Participation	Good	Good
Final Proposed Revised Cost	\$29,176,974	\$25,245,075
Most Probable Evaluated Cost	\$28,744,239	\$25,245,075

Id. at 4-5.

On April 1, RAM filed an agency-level protest with the Army challenging the award to CTS. On April 3, a different offeror filed a protest before our Office challenging the award to CTS. See ManTech Advanced Sys. Int'l, Inc., B-410570.5 (withdrawn on May 12, 2015). In light of the pending protest before our Office, the Army dismissed RAM's agency-level protest on April 8. AR, Tab 9, Agency Dismissal of RAM Agency-Level Protest (Apr. 8, 2015), at 1. This timely protest before our Office followed.

DISCUSSION

RAM argues that the Army's evaluation of proposals was flawed, and that the award decision was therefore unreasonable. The protester raises four primary challenges: (1) the agency failed to implement its proposed corrective action because it unreasonably evaluated RAM's mission capability and cost/price proposals; (2) the agency unreasonably assessed a significant weakness to RAM's proposal under the mission capability factor without recognizing the strengths of RAM's approach; (3) the agency unreasonably failed to reopen discussions; and (4) the agency unreasonably evaluated RAM's cost/price proposal.⁴ For the reasons that follow, we find no basis to sustain RAM's protest on any of these grounds.

³ On January 23, two of the five offerors originally included in the competitive range withdrew from the competition, and therefore were not considered for award. See AR, Tab 26, Source Selection Decision (Mar. 23, 2015), at 4 n.3, n.4.

⁴ RAM raises other collateral arguments. While our decision does not specifically address every argument, we have considered all of the protester's arguments and find that none provides a basis on which to sustain the protest.

Agency Implementation Of Corrective Action

RAM contends that the Army failed to reasonably implement the corrective action proposed in response to the prior protest because the agency's reevaluation did not meaningfully evaluate the feasibility of RAM's proposed technical approach for TAR 9. The protester argues that "[t]he Contracting Officer has not reconvened the technical representatives of the supported Command (USA OTC) to evaluate the Feasibility of RAM's approach." Protest (Apr. 13, 2015) at 22. RAM alleges that the agency's most recent evaluation findings regarding its proposal are materially similar to the previous evaluation findings, which in turn demonstrates that the agency did not reasonably reevaluate proposals.

The Army responds that the proposed corrective action did not commit the agency to reconvene the technical evaluation team; rather, the corrective action notice plainly stated that one alternative proposed resolution would be for the SSA to reevaluate appropriate proposal volumes and render a new source selection decision. See AR at 6. The agency argues that the SSA complied with the proposed corrective action by reevaluating proposals and rendering a new source selection decision. Id. (citing AR, Tab 26, Source Selection Decision (Mar. 23, 2015)).

We have recognized that the mere promise of corrective action, without reasonably prompt implementation, has the obvious effect of circumventing the goal of the bid protest system for the economical and expeditious resolution of bid protests. A1C Partners, LLC--Costs, B-409189.3, Sept. 30, 2014, 2014 CPD ¶ 295 at 3. Thus, where an agency fails to implement the promised corrective action, or implements corrective action that fails to address a clearly meritorious issue raised in an initial protest, such that the protester is put to the expense of subsequently protesting the very same procurement deficiency, the agency's action has precluded the timely, economical resolution of the protest. Id. Based on the record, we find no basis to conclude that the agency failed to implement the corrective action that it proposed in response to RAM's previous protest.

As an initial matter, we find unpersuasive RAM's suggestion that the Army's corrective action was ineffective because it did not reconvene the technical evaluators to reevaluate RAM's proposal. The agency represented that its corrective action, to which RAM did not object, would either be to amend the solicitation and invite revised proposals, or to have the SSA reevaluate appropriate volumes of proposals and render a new source selection decision. AR, Tab 26, Source Selection Decision (Mar. 23, 2015), at 1. The agency here determined that the latter approach was appropriate.

The record demonstrates that the SSA reevaluated proposals and rendered a new source selection decision. The agency has represented that the SSA reconsidered appropriate proposal volumes, and obtained updated OCI-related representations.

See, e.g., Contracting Officer Statement of Facts (Apr. 20, 2015) at 4, 7; AR, Tab 8, Answers to RAM Debriefing Questions (undated), at 1-2. In addition, the Army has produced a revised Source Selection Decision, dated March 23, 2015, which reflects that the SSA reversed the prior source selection decision and awarded the contract to a different offeror. AR, Tab 26, Source Selection Decision (Mar. 23, 2015), at 10. Although the SSA's conclusions regarding RAM's proposal in the recent Source Selection Decision are materially similar to the evaluation findings regarding RAM's proposal in the prior evaluation, we find that this fact, alone, does not demonstrate that the agency failed to reevaluate proposals and render a new source selection decision. On this record, we find no basis to sustain the protest.

Mission Capability Factor

Next, RAM challenges the Army's evaluation of the protester's technical proposal, arguing that the agency improperly assessed a significant weakness to RAM's proposal under the mission capability factor based on RAM's proposed approach to TAR 9. The protester asserts that the Army failed to credit RAM's proposed use of the EDCS to reduce the staffing needed to perform the work. As discussed in detail below, we find no merit to these arguments.

In reviewing a protest challenging an agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency's discretion. Computer World Servs. Corp., B-410513, B-410513.2, Dec. 31, 2014, 2015 CPD ¶ 21 at 6. Rather, we will review the record only to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. Id. A protester's disagreement with the agency's evaluation, without more, is not sufficient to sustain the protest. Regency Inn & Suites, B-411066.2, May 8, 2015, 2015 CPD ¶ 154 at 4.

As discussed above, RFP attachment No. 17 (Revised Cost Proposal and Baseline Data), required offerors to complete their cost proposals for TARs 9 through 12 based on the baseline staffing data provided in the attachment. RFP, attach. No. 17, at 1. As relevant here, the attachment stated that, for TARs 9 through 12, "in lieu of requiring offerors to submit technical proposals, the Government is providing the labor category and estimated hours in the Staffing Matrix." Id. The solicitation further stated that "[o]fferors should choose to propose the same number of [full time equivalents] and hours as estimated and provided by the Government for such TARs," but that "[i]n the event of any deviations . . . proposed to the labor hours and mix, such variances must be supported with detailed narrative explanations and will be reviewed and evaluated consistent with the evaluation criteria for the Mission Capability factor." Id.

The Army found that RAM's approach to TAR 9 was understaffed. AR at 11-12. Specifically, while the staffing matrix in RFP attachment No. 17 contemplated that

TAR 9 would require 92 personnel performing 52,132 total productive hours, RFP, attach. No. 17, at 1, RAM proposed to perform TAR 9 with only [DELETED] personnel performing [DELETED] total productive hours. AR, Tab 67, RAM TAR 9 Methodology (Aug. 4, 2014), at V.Att.A-4-5. The agency specifically was concerned that RAM's proposed approach overestimated the impact of the use of EDCS's automated data collection functionality in reducing the number of required data collectors. AR, Tab 26, Source Selection Decision (Mar. 23, 2015), at 12. The Army also questioned the feasibility of the protester's proposed approach to support sequentially planned excursions for 24 test players at three locations due to logistical and resource constraint issues. Id. Based on these concerns with RAM's unique approach, the agency evaluated a significant weakness finding that RAM's proposed approach to TAR 9 created a risk of unsuccessful performance. See AR, Tab 22, Consensus Mission Capability Evaluation Report for RAM (Aug. 9, 2014), at 6; Tab 25, Source Selection Evaluation Board (SSEB) Report (Sept. 3, 2014), at 6; Tab 26, Source Selection Decision (Mar. 23, 2015), at 7.

RAM does not dispute that its proposed staffing methodology deviated from the staffing baseline provided in attachment No. 17 of the RFP. Rather, the protester asserts that the agency's assessment of the significant weakness was based on a misunderstanding by the agency that RAM's deviation from the staffing baseline was based on existing EDCS capability rather than proposed enhancements and changes to the EDCS, and therefore was improper.⁵ The Army, however, found that EDCS does not currently have data harvesting functionality, but rather, is a data management tool, and thus that RAM's proposed technical approach was not feasible. AR, Tab 25, Source Selection Evaluation Board (SSEB) Report (Sept. 3, 2014), at 6. The agency explained that, while EDCS, a government-owned system, could be used to record test and performance data directly into a computer, thus eliminating the step of entering manually collected data and facilitating real-time analysis of data, RAM's proposal failed to demonstrate that the system could be used to eliminate the number of data collectors necessary to collect the data in the first instance. See AR, Tab 25, Source Selection Decision (Mar. 23, 2015), at 12; Contracting Officer's Statement of Fact (Apr. 20, 2015) at 8-9.

While the protester contends that the agency's assessment of the significant weakness was unreasonable, RAM does not assert or identify where in its proposal (or TAR 9 methodology narrative) it specifically addressed how additional EDCS functionality would be developed. In addition, RAM's proposal did not adequately

⁵ RAM also argues that the solicitation did not permit the agency to evaluate an offeror's proposed approach for TAR 9 under the mission capability factor. We find that the protester's contention in this regard, however, is undermined by the express terms of the RFP which provided that an offeror's proposed approach resulting in deviations from the staffing matrix would be reviewed and evaluated consistent with the evaluation criteria for the mission capability factor. RFP, attach. No. 17, at 1.

explain the specific impact of this functionality in sufficient detail to justify its significant proposed deviations from the staffing matrix, especially for data collectors (versus data entry personnel). See AR, Tab 67, RAM TAR 9 Methodology (Aug. 4, 2014), at V.Att.A-2 (explaining that one of the purported benefits of the EDCS's automation of data collection would be [DELETED]). RAM's proposal also did not adequately justify the protester's proposed approach to supporting sequentially planned excursions for deployed test players at multiple locations. To the extent the protester contends that its proposal submission was sufficient or should have been interpreted differently, the protester's disagreement with the agency's evaluation provides no basis to sustain the protest. Regency Inns & Suites, supra; Recon Optical, Inc., B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6 (finding it is an offeror's burden to submit an adequately written proposal with sufficiently detailed information to clearly demonstrate the merits of its proposal; an offeror risks rejection of its proposal if it fails to do so).

Based on our review of the record, we find that the agency reasonably evaluated RAM's proposed methodology submitted to support its proposed deviation to the staffing matrix under the mission capability factor.

Discussions

RAM asserts that the Army was required to reopen discussions to address the significant weakness regarding the protester's proposed approach to TAR 9. As discussed below, we find no merit to this argument.

Discussions, when conducted, must identify proposal deficiencies and significant weaknesses that reasonably could be addressed in order to materially enhance the offeror's potential for receiving award. Serco Inc., B-405280, Oct. 12, 2011, 2011 CPD ¶ 237 at 11. However, agencies are not required to reopen discussions to afford an offeror an additional opportunity to revise its proposal where a weakness or deficiency is first introduced in the firm's revised proposal. MetalCraft Marine, Inc., B-410199, B-410199.2, Nov. 13, 2014, 2014 CPD ¶ 338 at 10; Raytheon Co., B-403110.3, Apr. 26, 2011, 2011 CPD ¶ 96 at 7.

The Army's concern regarding RAM's proposed deviation from the staffing matrix for TAR 9 was not based on any information in the protester's proposal predating discussions. Rather, the agency's concern was based on new information introduced by RAM in its revised proposal responding to the amended RFP. As set forth above, on July 18, the Army issued written discussion questions to RAM. AR, Tab 20, EN to RAM (July 18, 2014), at 1. The agency also simultaneously amended the RFP, including a requirement for offerors to address any proposed deviations from the agency's staffing matrix for TARs 9 through 12. Id. Prior to the July 18 RFP amendment, offerors were not required to provide a detailed narrative explaining the basis for their staffing approaches to TARS 9 through 12. On August 4, RAM submitted a response addressing its deviation from the staffing

matrix for TAR 9. AR, Tab 67, RAM TAR 9 Methodology (Aug. 4, 2014). RAM points to no information in its proposal predating its August 4 submissions that should have put the agency on notice of the issues raised by RAM's staffing approach that formed the basis of the agency's subsequent concern.⁶

We do not find that the agency was required to reopen discussions with RAM to address concerns raised by information the company first submitted in response to the RFP amendment that was issued simultaneously with the written discussion questions. When, as here, an offeror introduces defects into its proposal in a revised proposal, it runs the risk that the agency will exercise its discretion not to reopen discussions. EDO Corp., B-296861, Sept. 28, 2005, 2005 CPD ¶ 196 at 10 n.4. Accordingly, this protest ground is denied.

Cost Realism Evaluation

Finally, RAM argues that the Army erred by upwardly adjusting the protester's proposed cost/price of \$24,979,414 by \$4 million without first reasonably evaluating whether the protester's proposed technical approach was feasible, as required by the terms of the RFP. For the reasons that follow, we find no basis to sustain the protest.

As an initial matter, RAM's allegation that the Army made a \$4 million upward cost adjustment to its proposal is not supported by the record. RAM proposed a total cost/price of \$24,979,414 for the transition and 3 base years of performance. AR, Tab 154, RAM FPR (Aug. 18, 2014), at EN-82-83. RAM did not separately price the potential option to extend services period. Rather, pursuant to the RFP, the agency

⁶ We disagree with RAM's assertion that the situation here is the same as the situation discussed in our prior decision in Lockheed Martin Simulation, Training & Support, B-292836.8 et al., Nov. 24, 2004, 2005 CPD ¶ 27. As explained in Lockheed Martin, where an agency identifies new weaknesses in a proposal during a reevaluation of that proposal in an acquisition where discussions have previously occurred, the agency is required to discuss the new weaknesses with the offeror. Id. at 10. Our decision in Lockheed Martin cites to our earlier decision in DevTech Sys., Inc., B-284860.2, Dec. 20, 2000, 2001 CPD ¶ 11. As we explained in DevTech, if an agency identifies concerns in a proposal, during a reevaluation, that would have had to be raised had they been identified before discussions were held, the agency is required to reopen discussions in order to raise the concerns with the offeror. The key fact in these cases is that the concerns at issue relate to the proposals as they were prior to discussions. DevTech Sys., Inc., supra, at 4-5. Unlike in DevTech and Lockheed Martin, the information that formed the basis for the significant weakness assessed here was introduced by RAM in the submission it provided in response to the RFP amendment--which occurred after discussions were held. Thus, this line of decisions is not germane to the issues in this protest.

was to evaluate the optional period by adding 6 months of the offeror's cost for the final year of performance to the offeror's total cost. RFP at 121. Adding the cost for the base year and the 6 month optional period resulted in a total proposed cost of \$29,176,974--which is the proposed cost cited in the source selection decision. AR, Tab 26, Source Selection Decision (Mar. 23, 2015), at 5. RAM does not challenge the agency's calculation of the cost for the 6 month optional period.

The Army then conducted a cost realism evaluation and made four cost adjustments to RAM's proposal. The agency made two upward adjustments based on the protester's proposed deviations from the staffing matrix for TARs 9 and 10, and a third upward adjustment to account for certain clerical errors. AR, Tab 24, Addendum to Cost Evaluation Report (undated), at 12-15. These three upward adjustments totaled \$2,679,293. Thus, the agency only made upward adjustments of \$2.6 million to RAM's proposal, not \$4 million as claimed by the protester.⁷

In any event, the protester's argument fails for a lack of prejudice. Computer World Servs. Corp., *supra*, at 9 (finding competitive prejudice is a necessary element of any viable bid protest). Even if we found that the Army's upward cost adjustments to RAM's proposal, totaling \$2,679,293, were improper, the protester's adjusted most probable cost of \$26,064,945, would still be higher than the awardee's evaluated most probable cost of \$25,245,075. Therefore, even if the upward adjustments to RAM's proposal were in error, we nonetheless would have no basis to object to the Army's selection of CTS's higher-technically rated, lower-priced proposal for award in accordance with the RFP's best value evaluation scheme. Computer World Servs. Corp., *supra*, at 13; Godwin Corp., B-290291, June 17, 2002, 2002 CPD ¶ 103 at 5. In sum, we find no basis to sustain the protest.

The protest is denied.

Susan A. Poling
General Counsel

⁷ The Army also found that RAM erroneously applied the plug number provided for other direct costs to each of the three base years of performance, rather than applying the plug number once for the entire base period. As a result, the agency made a resulting downward adjustment of \$3,050,986 to RAM's proposal. AR, Tab 24, Addendum to Cost Evaluation Report (undated), at 17. Therefore, as reflected in the table on page 6 above, the agency's most probable evaluated cost for RAM, inclusive of the three upward adjustments and one downward adjustment, was \$28,744,239, which represented a net reduction of \$432,735 to RAM's final proposed cost.