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Decision

Matter of: Olgoonik Global Security, LLC

File: B-414762; B-414762.2

Date: September 8, 2017

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Tudo N. Pham, Esq., Department of State, for the agency.
Young S. Lee, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's best-value award decision is denied where the agency's decision was well-documented, reasonable, and in accordance with the solicitation's criteria.

DECISION

Olgoonik Global Security, LLC, (OGS) of Annandale, Virginia, protests the award of a contract to ManTech Advanced Systems International, Inc., of Fairfax, Virginia, under Request for Proposals (RFP) No. SAQMMA16R0014, issued by the Department of State (DOS) for technology security services to support the agency's diplomatic missions abroad. The protester argues that the agency's best-value decision was flawed because the agency failed to perform the requisite tradeoff analysis and because DOS failed to recognize the benefits offered by OGS's proposal.

We deny the protest.

BACKGROUND

On July 6, 2016, the agency issued the RFP on an unrestricted basis for protective technology services in furtherance of DOS diplomatic missions abroad. Agency Report (AR), Tab 3, RFP, at 1, 6. The competition was conducted pursuant to the negotiated procedures of Federal Acquisition Regulation (FAR) part 15. AR, Tab 20, RFP amend. 7, at 71, 73-74. The solicitation contemplated the award of a hybrid fixed-price

and cost-plus-fixed-fee contract with a 1-year base period, four 1-year option periods, and up to five 1-year award terms. RFP at 17-18.

Award was to be made on a best-value basis, considering the following six factors, in descending order of importance: (1) staffing approach; (2) transition plan; (3) management approach; (4) corporate capabilities; (5) past performance; and (6) price and cost. RFP amend. 7 at 71, 73-74. The RFP advised that all of the non-price evaluation factors, when combined, were significantly more important than price. Id. As relevant here, the solicitation also informed offerors that as the technical merit of the offerors' proposals became more equal, the evaluated cost or price could become the determining factor for award. Id.

For the non-price evaluation factors, other than past performance, proposals could be assigned an adjectival rating of superior, acceptable, marginal, or unacceptable. Id. For past performance, proposals could be assigned a rating that ranged from substantial confidence to no confidence. AR, Tab 26, Technical Evaluation Panel (TEP) Consensus Report, at 1. The solicitation advised that evaluated prices would be based on the prices generated by the solicitation's pricing worksheet. RFP amend. 7 at 73-74. The solicitation also advised that the agency would assess cost realism for all cost-reimbursable elements of the work and price realism for all fixed-price elements. Id.

The agency received three offers in response to the solicitation, including the proposals that were submitted by OGS and ManTech. Contracting Officer Statement (COS) at 1. The initial proposals were evaluated by the agency's TEP and cost evaluation team (CET). Id. at 1-2. After the agency's initial evaluation was completed, the TEP and CET presented their findings to the contracting officer (CO) and the source selection authority. Id. at 2. On September 30, 2016, the agency made an initial award to OGS. Id. ManTech subsequently protested DOS's initial award decision to our Office. Id. In response to the protest, the agency took corrective action by terminating OGS's contract, amending the solicitation, and opening discussions with both OGS and ManTech. Id. After two rounds of discussions and receipt of the final proposal revisions (FPRs), the agency's TEP and CET completed their evaluations. Id. at 2-3.

The agency's consensus ratings assigned to the FPRs were as follows:

	OGS	ManTech
Staffing Approach	Superior	Superior
Transition Plan	Superior	Superior
Management Approach	Superior	Superior
Corporate Capabilities	Superior	Superior
Past Performance	Substantial Confidence	Substantial Confidence
Total Price/Cost	\$823,687,762.90	\$815,565,315.82

AR, Tab 33, SSR, at 6, 21.

The final consensus evaluation reports from the TEP and CET were provided to the CO and source selection authority (SSA) for their consideration. Id.; AR, Tab 34, Source Selection Decision (SSD), at 1. The CO reviewed the final reports, performed a comparative analysis between the two proposals, and recommended that ManTech receive the award. Id. at 1-24. Although the proposals of both ManTech and OGS received the same adjectival ratings under all the RFP's non-price evaluation factors, the CO concluded that ManTech's proposal offered the agency higher relative technical value, lower risk, and a lower price than OGS's proposal. Id. 24. The SSA then selected ManTech for award after adopting the CO's recommendation. AR, Tab 34, SSD, at 1.

On May 30, 2017, DOS awarded the contract to ManTech. COS at 3. That same day, OGS was notified of the agency's award decision and received a debriefing. Id. OGS timely filed the instant protest on June 2. Protest at 12.

DISCUSSION

OGS contends that the agency's selection decision was flawed because there was no tradeoff analysis. The protester also argues that the CO failed to give credit to, and recognize the superiority of various aspects of OGS's proposal.¹ For example, the protester argues that the CO failed to recognize that OGS's proposal provided for a better transition plan and offered a stronger employee recruitment and retention plan than the proposal offered by ManTech. Finally, the protester asserts that the agency's selection recommendation failed to recognize the enhanced benefits associated with OGS's ability to offer personnel with pre-approved medical clearances and qualifications.² We have reviewed all of the protester's contentions and find none provide a basis to sustain its protest.

¹ OGS's initial protest alleged that the agency engaged in technical leveling by holding multiple rounds of discussions to permit ManTech to improve its proposal. Protest at 11. This allegation is dismissed because it does not include sufficient information to establish the likelihood that the agency violated applicable procurement laws or regulations. 4 C.F.R. § 21.5(f); Midwest Tube Fabricators, Inc., B-407166, B-407167, Nov. 20, 2012, 2012 CPD ¶ 324 at 3. The current version of FAR part 15 eliminates a much earlier prohibition on technical leveling (helping an offeror to bring its proposal up to the level of other proposals through successive rounds of discussions). Biospherics, Inc., B-285065, July 13, 2000, 2000 CPD ¶ 118 at 9-10. In this regard, the fundamental purpose of discussions is to afford offerors the opportunity to improve their proposals to maximize the government's ability to obtain the best value, based on the requirement and the evaluation factors set forth in the solicitation. Id. Accordingly, there is nothing improper about an agency providing multiple rounds of discussions to afford an offeror the opportunity to improve its proposal.

² OGS's protest also initially challenged aspects of the agency's evaluation of proposals. For example, the protester argued that ManTech's proposal did not adequately satisfy solicitation requirements and would thus place overseas diplomatic

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Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of the technical and price evaluation results; price/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the solicitation's evaluation criteria. SRA International, Inc.; Vistronix, LLC, B-413000, B-413000.2, July 25, 2016, 2016 CPD ¶ 208 at 11-12.

Based on our review of the record, we find no merit to any of the allegations raised by the protester and thus, no basis upon which to sustain the protest. The record confirms that a robust analysis was performed by the CO, which was then adopted by the SSA in the agency's award decision. AR, Tab 33, SSR, at 1-24; Tab 34, SSD, at 1. The CO documented the various strengths in the proposals and then performed a comparative analysis to identify any discriminators that might exist between these proposals. AR, Tab 33, SSR, at 6-15; 15-23. For example, the CO found that both offerors proposed a superior transition plan which met all the solicitation's requirements and that both demonstrated a good understanding of the requirements, with each proposal having several features offering advantages to the government. Id. at 16. Based on the comparative analysis, the CO determined that ManTech's proposal offered the best value to the government and that no tradeoffs were required because ManTech's proposal offered higher relative technical value at a lower price. Id. at 23-24. The SSA then reviewed and adopted the CO's award recommendation. AR, Tab 34, SSD, at 1.

Where, as here, the highest-rated, lowest-priced proposal is selected for award in a best-value procurement, a tradeoff is not required. Dell Servs. Fed. Govt., Inc., B-412340, et al., Jan. 20, 2016, 2016 CPD ¶ 43 at 7 n.6; Alliance Tech. Servs., Inc., B-311329, B-311329.2, May 30, 2008, 2008 CPD ¶ 108 at 3. Although ManTech's and OGS's proposals received the same adjectival ratings for all non-price factors, the record confirms that, the CO (and later, the SSA) reasonably found ManTech's proposal to be technically superior and lower-priced. Accordingly, contrary to the protester's assertion, no tradeoff analysis was required.

Moreover, although the protester contends that the agency failed to perceive the benefits offered by various aspects of OGS's proposal, the record reflects otherwise. For example, the CO credited the protester's proposal with strengths because its transition plan demonstrated an ability to ensure no gaps in service. AR, Tab 33, SSR, at 12. With regard to OGS's employee recruitment and retention plan, the CO credited

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operations at risk. Supplemental Protest at 6. DOS provided a detailed rebuttal to these contentions in its agency report, which the protester then failed to address. Comments at 1-10. Consequently, we consider these arguments abandoned, and we will not consider them further. See Earth Res. Tech., Inc., B-403043.2, B-403043.3, Oct. 18, 2010, 2010 CPD ¶ 248 at 6; Cedar Elec., Inc., B-402284.2, Mar. 19, 2010, 2010 CPD ¶ 79 at 3 n.4.

the proposal for providing an emphasis on retaining incumbent personnel. Id. at 11. The CO also credited OGS's proposal with a strength because of the protester's ability to quickly deploy or re-deploy personnel efficiently by appropriately managing pre-deployment requirements. Id. at 13. Contrary to the protester's assertions, our review of the record establishes that the CO properly gave credit to OGS for strengths that the protester alleges were missing from the selection recommendation. Even if the CO had not properly credited OGS's proposal with the strengths that the protester claims were ignored by the agency in its best-value decision, our review finds nothing in the record to support OGS's assertion that its proposal was superior to ManTech's.

Accordingly, we see no basis to sustain OGS's protest.

The protest is denied.

Susan A. Poling
General Counsel