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Decision

Matter of: Salient CRGT, Inc.

File: B-423283.3

Date: December 5, 2025

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Charmaine A. Stevenson, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's evaluation of the awardee's labor category mix and level of effort under the technical approach factor is denied where the solicitation did not require that the agency perform a price realism analysis or state that a proposal could be rejected for submitting prices that were too low, and the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.
 2. Protest challenging the evaluation of key personnel is denied where the agency effectively waived some special qualification and certification requirements for both offerors and otherwise treated the offerors equally.
 3. Protest challenging the evaluation of past performance is denied where the agency reasonably assigned ratings consistent with the solicitation's evaluation scheme.
 4. Protest challenging the agency's selection decision is denied where the selection is reasonable, consistent with the solicitation, and properly documented.
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DECISION

Salient CRGT, Inc. (CRGT), of Fairfax, Virginia, protests the issuance of a task order to Science Applications International Corporation (SAIC) of Reston, Virginia, under request for proposals (RFP) No. 05GA0A24R0002, issued by the Government Accountability

Office for technology information services (TIS). The protester challenges multiple aspects of the agency's evaluation of proposals and the selection decision.

We deny the protest.

BACKGROUND

The agency issued the final amended RFP on October 17, 2024, using the ordering procedures of Federal Acquisition Regulation (FAR) subpart 16.5, to holders of National Institutes of Health, Information Technology Acquisition and Assessment Center (NITAAC) indefinite-delivery, indefinite-quantity (IDIQ) contracts. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 2; Protest, exh. A, RFP at 2.¹ The RFP contemplated the issuance of a hybrid fixed-price and time-and-materials task order with a period of performance consisting of a 1-year base period (to include a 90-day transition period) and four 1-year option periods. Protest, exh. B, Performance Work Statement (PWS) at 68.

The RFP stated that proposals would be evaluated under the following three factors: technical approach, past performance, and cost/price. RFP at 49. The technical approach factor included three subfactors: technical solution, technical oral presentations (which included two equally weighted subfactors, dashboard and scenarios), and management approach. *Id.* The RFP stated that the technical approach factor was more important than past performance, and when combined, these factors were significantly more important than the cost/price factor. *Id.* at 48. The RFP stated that award would be made to the offeror who is deemed responsible in accordance with FAR subpart 9.1, whose proposal conforms to the RFP requirements, and "is judged, based on the evaluation factors and subfactors, to represent the best value to the Government." *Id.*

The agency received three proposals, including from CRGT and SAIC. COS/MOL at 3. On January 7, 2025, the agency notified CRGT that SAIC had been selected for award of the task order and CRGT filed a protest with our Office.² On April 15, the GAO attorney assigned to handle the protest conducted outcome prediction alternative dispute resolution and advised the parties that some of the protest allegations would

¹ The RFP was issued on September 19, 2024, and amended once. The agency did not include a copy of the RFP when it filed its agency report, or duplicate any other documents produced as exhibits by the protester. Therefore, citation to the RFP in this decision is to RFP amendment 0001 provided by the protester as protest exhibit A. All page citations in this decision are to Adobe Acrobat PDF page numbers.

² Advanced Technology Systems, Inc. (ATSI) filed the initial protest challenging the award to SAIC. ATSI is a wholly owned subsidiary of and predecessor in interest to CRGT, and both entities are wholly owned by GovCIO, LLC. Protest at 1 n.2; COS/MOL at 1 n.2.

likely be sustained. The agency subsequently informed our Office that it would “take corrective action by terminating the contract for convenience, reevaluating proposals, and making a new award decision”; accordingly, we dismissed the protest as academic. *Advanced Tech. Sys., Inc.*, B-423283, B-423283.2, Apr. 22, 2025 (unpublished decision).

Following the reevaluation of proposals, the agency assigned evaluation ratings and determined the offerors’ cost/price as reflected below:

	CRGT	SAIC
Technical Approach	Good	Good
Technical Solution	Good	Good
Technical Oral Presentations	Acceptable	Good
Dashboard	Acceptable	Acceptable
Scenarios	Acceptable	Good
Management Approach	Good	Good
Past Performance	Satisfactory Confidence	Substantial Confidence
Cost/Price	\$134,280,375	\$95,355,212

Agency Report (AR), Tab 1, Revised Source Selection Decision Document (SSDD) at 15, 73. The source selection authority (SSA), who also served as the contracting officer, concluded that SAIC was the highest rated offeror with the lowest price thus no tradeoff was required, and again selected SAIC for task order award. *Id.* at 77.

The agency notified CRGT that SAIC was selected for award of the task order. After receiving a debriefing, CRGT filed this protest.³

DISCUSSION

The protester challenges the agency’s evaluation of SAIC’s labor category mix and level of effort, as well as the adequacy and traceability of the cost data provided in SAIC’s proposal; the evaluation of both offerors’ key personnel; the evaluation of its past performance; and the selection decision. Although we do not address every argument made by CRGT, we have considered them all and conclude that none provide a basis to sustain the protest.

The evaluation of proposals in a task order competition, including the determination of the relative merits of proposals, is primarily a matter within the contracting agency’s discretion, because the agency is responsible for defining its needs and the best method of accommodating them. *URS Fed. Servs., Inc.*, B-413333, Oct. 11, 2016,

³ The awarded value of the task order at issue exceeds \$10 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of orders under multiple-award IDIQ contracts. 41 U.S.C. § 4106(f)(1)(B).

2016 CPD ¶ 286 at 6. In reviewing protests of an agency's evaluation and source selection decision in a task or delivery order competition, we do not reevaluate proposals; rather, we review the record to determine whether the evaluation and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Sapient Gov't Servs., Inc.*, B-412163.2, Jan. 4, 2016, 2016 CPD ¶ 11 at 4. A protester's disagreement with the agency's evaluation judgment, without more, is not sufficient to establish that an agency acted unreasonably. *Verizon Bus. Network Servs., Inc.*, B-419271.5 *et al.*, Apr. 26, 2021, 2021 CPD ¶ 191 at 7.

Evaluation of Labor Category Mix and Level of Effort

The protester argues that the agency failed to properly reevaluate and document its analysis of SAIC's labor category mix and proposed level of effort, and a proper reevaluation would have revealed that SAIC's approach is insufficient to meet the true demands of the work. Protest at 8. According to CRGT, the requirements include a substantial increase to the incumbent scope of work performed under the predecessor contract and are more complex with higher performance expectations, but SAIC expects to rely on the incumbent workforce while proposing a cost/price that is only 51 percent of the independent government cost estimate (IGCE), and an insufficient number of hours and employees. The protester contends that this drastic price difference and reduced number of resources creates a substantial performance risk the agency failed to consider. *Id.* at 9-11. The protester also argues that the agency failed to evaluate the adequacy and traceability of the cost/price data provided by SAIC. Protest at 11-12; *see also* Comments at 8 ("There is also no evidence that the Government made any effort to trace the labor included in the Pricing Workbook to the Technical proposal (or vice versa).").

As noted, the technical approach factor included three subfactors, the third of which was management approach. The management approach subfactor included four parts: workforce plan; transition plan; performance and quality control plan; and key personnel. RFP at 44. For the workforce plan, the RFP stated the offeror should propose, and the agency would evaluate, among other things, the "organizational structure (org chart and resource headcount required to support the requirement)" and "identification of roles, skill set and [specific] responsibilities for each." *Id.* at 46, 50. The RFP also stated offerors would be evaluated on the appropriateness of the staffing plan and demonstrated experience with management of similar work, and should include labor mix, staffing approach, and subcontractor management (if applicable) in the staffing plan. *Id.*

Under the cost/price factor, the RFP required that offerors complete a pricing template provided as RFP attachment G, and that proposal prices be based upon and consistent with the offeror's NITAAC contract schedule prices. RFP at 47. The RFP stated that offerors "shall identify labor categories from its NITAAC Schedule contract, or equivalent labor category as applicable," rates for each labor category, and any discounts offered from the schedule price. *Id.* The RFP further stated, "The offeror's labor category mix

and proposed level-of effort (LOE) in Attachment G will be evaluated as part of their Technical Proposal,” and would not be scored; attachment G would also be evaluated based on a comparison to the labor rates in the offeror’s NITAAC contract, adequate price competition, and comparison to the IGCE. *Id.* at 51. In addition, the RFP stated:

The Government will reject any proposal that is evaluated to be unreasonable - in cost/price, in excess of funding limits, deemed to reflect a lack of understanding/competence, or failure to comprehend the complexity and risks of all stated requirements, or as otherwise reflected in the Contractor’s assumptions and/or exceptions.

Id. at 51; *see also id.* at 47 (“Offerors shall be rated UNACCEPTABLE for submitting non-NITAAC Schedule prices or failing to fully complete Attachment G.”).

The record shows that the technical evaluators compared the resources proposed for each task area in the offerors’ attachment G pricing worksheets for the base and option years to the offerors’ staffing plans included in their workforce plans.⁴ For SAIC, the evaluators concluded: “[O]verall, the labor category mix and level of effort were sufficient to perform the tasks as required by the PWS and in accordance with SAIC’s technical proposal.” AR, Tab 2, Source Selection Evaluation Board (SSEB) Reevaluation Report at 170. For all task areas, the evaluators concluded: “The labor category mix and level of effort reflected in the pricing worksheet for the base period match the technical proposal, which met requirements for this task,” and further assessed the option year staffing. *Id.* at 170-172.

For example, regarding task area 2, the evaluators noted that “[w]ith the emphasis on [artificial intelligence] and other efficiencies, the number of [full-time equivalent employees (FTEs)] (and corresponding LOE) may be high, especially in the area of service desk and deskside techs. However, based on the labor categories, some of these FTEs may plan to work in conjunction with FTEs in Task 4.” AR, Tab 2, SSEB Reevaluation Report at 171. Regarding task area 4, the evaluators observed that while they expected to see certain labor categories such as platform administrator and database administrator proposed for task area 4, “[b]ased on its proposal and the FTE numbers and labor categories under Task Areas 2, 3, and 9, SAIC appears to have organized some of these functions and FTEs in those tasks, which are also firm-fixed price [contract line item numbers].” *Id.* at 172. The record also shows that the agency specifically identified, as applicable, reductions in FTEs reflected in SAIC’s pricing worksheet in the option years for some task areas but still concluded that they were “in line with the PWS requirements and SAIC’s proposal.” *Id.* at 170-173.

⁴ The PWS identified 9 different task areas and additional optional tasks that the contractor is expected to perform. PWS at 99-196. The agency evaluated the offerors’ proposed level of effort and labor category mix for each of these task areas.

The agency argues that its reevaluation properly considered and documented the labor category mix and level of effort for both the awardee and the protester. The agency contends that it was not required to find that any divergence from the IGCE was necessarily problematic, and CRGT's arguments should be denied because they present challenges to the technical acceptability of SAIC's proposal based on the agency's failure to perform a price realism analysis, which the RFP neither required nor permitted. COS/MOL at 8-11.

In response, the protester argues the alleged reevaluation was not meaningful. Specifically, the protester contends the repetition of the same evaluation language for various task areas reflects a cursory evaluation that fails to recognize significant differences in the work required by the various task areas. CRGT also argues the agency provides no justification for why the FTEs proposed in some task areas could fall so significantly below the IGCE even if SAIC allocated FTEs in other task areas because those areas also fell well below the IGCE. Comments at 2-4. CRGT contends that any automation and innovation proposed by SAIC cannot account for the drastic difference between the IGCE and SAIC's proposal, and that the RFP required the agency to perform a price realism analysis. *Id.* at 7-8.

Price reasonableness and price realism are distinct concepts. The purpose of a price reasonableness review is to determine whether the prices offered are too high, as opposed to too low. See *Valor Healthcare, Inc.*, B-412960, B-412960.2, July 15, 2016, 2016 CPD ¶ 206 at 4 n.4. Conversely, a price realism review is to determine whether the prices are too low, such that there may be a risk of poor performance. *Id.* Our Office has found, in the absence of an express price realism provision, we will only conclude that a solicitation contemplates a price realism analysis where the solicitation explicitly states that the agency will review prices to determine whether they are so low that they reflect a lack of technical understanding, and where the solicitation states that a proposal can be rejected for offering low prices. *Inbound, LLC*, B-419853.5, July 30, 2021, 2021 CPD ¶ 275 at 4. Absent a solicitation provision providing for a price realism analysis, agencies are neither required nor permitted to conduct one in awarding a fixed-price contract. *Id.* The nature and extent of an agency's cost/price analysis is largely a matter of agency discretion, dependent upon the facts of a particular procurement. *Maxim Healthcare Servs.*, B-412967.9, B-412967.11, June 25, 2018, 2018 CPD ¶ 230 at 8.

The RFP did not state that the agency would perform a price realism analysis, and did not otherwise include the requisite language for us to conclude that the agency was required to perform one. As noted, the RFP stated a proposal could be rejected for a cost/price that was unreasonably high or in excess of funding limits, or as a result of the contractor's assumptions and exceptions. RFP at 51. A proposal could also be rejected if "deemed to reflect a lack of understanding/competence, or failure to comprehend the complexity and risks of all stated requirements," however, the RFP did not state that a proposal could be rejected on the basis that its price was too low. *Id.* As discussed, the agency found that SAIC's staffing plan and workforce plan would satisfy the requirements of the PWS and did not find a basis to reject SAIC's proposal.

Although CRGT disagrees, the record demonstrates that the agency meaningfully and reasonably considered the resources SAIC proposed for each task area for all performance years and rated SAIC as good under the management approach subfactor. While the agency's analysis includes the repetition of some evaluation language for each task area, such repetition is to be expected considering that the agency was specifically assessing SAIC's "resource headcount required to support [each] task" and whether the "labor category mix and level of effort reflected in the pricing worksheet for the [relevant periods of performance] match[ed] the technical proposal." RFP at 46; AR, Tab 2, SSEB Reevaluation Report at 170. Regardless, the agency's analysis varied for each of the task areas, including as noted, recognition that SAIC may have accounted for FTEs under different task areas consistent with its proposed technical approach. AR, Tab 2, SSEB Reevaluation Report at 170-173.

Further, the protester's argument regarding the traceability of SAIC's cost/price proposal essentially challenges the evaluators' failure to reconcile differences between the functional titles used in SAIC's technical proposal and the labor categories identified in its attachment G pricing worksheet, or to identify inconsistencies between the number of FTEs identified in each. Comments at 5-6, 8; see Protest at 11-12. However, these arguments fail to demonstrate that the agency's evaluation was not reasonable or consistent with the solicitation. For example, CRGT argues the agency could not perform a proper evaluation because the SAIC proposal did not include a "cross-walk" between labor categories in its technical proposal and attachment G pricing worksheet. Comments at 6. However, as noted, the RFP mandated that offerors use the labor categories and prices from their NITAAC schedule contracts in the attachment G pricing worksheet but did not require that a "cross-walk" be provided in the proposals. Even if the functional titles of the labor categories in SAIC's technical and cost/price proposal volumes were not identical, on this record, these differences present no basis to find unreasonable the agency's conclusion that SAIC's staffing plan in its technical approach matched its cost/price proposal.

In this regard, despite CRGT's arguments to the contrary, the record shows that the agency did consider and document its evaluation of SAIC's labor category mix and LOE. For example, regarding task area 8 the agency noted the discrepancy between the labor categories identified in the technical and cost/price proposal volumes as a discrete area of concern. See AR, Tab 2, SSEB Reevaluation Report at 172 ("The TET did observe that the proposal lists data scientists for this task, but did not specifically explain how they would be used (perhaps for taxonomy). The labor categories did not provide additional context for how they would be used."). Indeed, this observation reflects the agency's consideration of SAIC's labor category mix and level of effort in its evaluation, as required by the RFP, but did not compel the agency to conclude the proposal was unacceptable.

As to the inconsistencies in the number of FTEs, based on the table provided by the protester in its comments, apart from the transition period, the differences between the FTEs proposed in SAIC's technical and cost/price proposals are fractional. For

example, for task area 2, SAIC's technical proposal indicates [DELETED] FTEs but its pricing worksheet indicates [DELETED]; for task area 5, SAIC's technical proposal indicates [DELETED] FTEs but its pricing worksheet indicates [DELETED]. See Comments at 6. While these minor differences could be the result of rounding, by the protester's own account the number of FTEs proposed in SAIC's technical and cost/price proposals are roughly consistent.⁵ As discussed, the RFP did not require that the agency perform a price realism analysis or assess labor category mix and LOE under the management approach subfactor with the level of precision CRGT argues should have caused the agency to find SAIC's proposal unacceptable.

Based on our review, the record shows that the agency considered the labor category mix and level of effort proposed by both CRGT and SAIC based on their proposed technical approaches and concluded that they were sufficient to meet the PWS requirements. *Id.* at 168-173. Both offerors' to varying degrees proposed fewer FTEs and correspondingly a cost/price less than the IGCE. AR, Tab 4, Revised Price Evaluation Report at 287 (indicating CRGT and SAIC proposed prices 15 and 39 percent below the IGCE, respectively); see Intervenor Comments at 8 (providing a table showing CRGT and SAIC proposed 56.82 and 50.63 percent of the hours estimated in the IGCE, respectively, and that SAIC proposed 88.95 percent of the total hours proposed by CRGT). Although CRGT disagrees with the agency's evaluation, we find no basis to conclude that the agency's evaluation was unreasonable. *Verizon Bus. Network Servs., Inc., supra*. Accordingly, we deny these allegations.

Key Personnel

The protester argues that the agency's reevaluation of key personnel failed to fix the prior evaluation deficiencies that should have rendered SAIC's proposal unacceptable and introduced new errors. Specifically, the protester argues that most of SAIC's key and named personnel fail to meet minimum technical requirements, and none meet the security clearance requirements. Protest at 12-15. SAIC also argues that the

⁵ With respect to the transition period, the protester claims that SAIC's technical proposal indicates the use of only [DELETED] FTE for performance of this task while its pricing worksheet indicates the use of [DELETED] FTEs. Comments at 6. While SAIC's technical proposal includes a table providing a resource headcount by task area, which indicates that [DELETED] FTE will perform as a transition manager in the base year of contract performance, it is unreasonable to interpret this to mean that only the transition manager would perform the transition task under SAIC's proposed technical approach. See Protest, exh. Q, SAIC Technical Proposal at 770. In this regard, in addition to proposing a dedicated transition manager, SAIC's proposal states: "The rest of the transition team is comprised of our Key Personnel ([Program Manager], [Deputy Program Manager] Product Manager, and SAFe Scrum Master) and named personnel (Customer Experience Lead, Accessibility Lead, Web Support Lead, Cloud Lead, Infrastructure Lead, Security & Monitoring Lead). *Id.* at 779. Combined, these personnel comprise [DELETED] FTEs.

reevaluation erroneously identified two new minor weaknesses for its key personnel that were not identified in the prior evaluation. *Id.* at 16.

The agency argues that its evaluation was reasonable. The agency states that it carefully reevaluated and documented its consideration of key and named personnel in accordance with the RFP requirements during corrective action, and in so doing identified minor weaknesses in the key and named personnel proposed by both CRGT and SAIC. COS/MOL at 12-17. While we do not address all CRGT's arguments, we have considered them all and find that none provide a basis to sustain the protest.

Here, as noted, key personnel was the fourth element of the management approach subfactor. The RFP required that offerors provide "resumes for Key and Named Personnel associated with the roles identified in section 1.10 of the PWS. This part considers the experience, education, knowledge, and expertise required for the position assigned on the TIS contract." RFP at 46. The RFP stated the agency would evaluate proposed key and named personnel "based on resumes received and associated with the roles identified in [] the PWS. The government will evaluate these personnel for the experience, education, knowledge, and expertise required for the position assigned on the TIS contract." *Id.* at 51. With minor exceptions not relevant here, for each position the PWS stated that the proposed personnel "must demonstrate a minimum of 5 years of experience in or knowledge related to" a bulleted list of experience relevant to the responsibilities of the position. PWS at 76. The PWS further provided a table for each position that indicated the clearance level required and other special qualifications and certifications. PWS at 72-81.

With respect to the cloud lead position, the PWS stated that the proposed individual "must demonstrate expert (a minimum of 5 years) experience and/or knowledge related to" a bulleted list of specific experience (e.g., designing, engineering, quality assurance and testing and operating cloud environments), and listed special qualifications and certifications including a bachelor's degree in computer science, information technology (IT), or a related field. PWS at 78-79. As reflected in SAIC's proposal, the proposed cloud lead possesses a bachelor's degree in psychology. Protest, exh. Q, SAIC Technical Proposal at 809. In its evaluation of SAIC's cloud lead, the agency concluded, in pertinent part, as follows:

The resume shows over [DELETED] years of experience with cloud platforms and database management systems. . . . The resume also demonstrates a strong understanding of and experience applying networking, security, and data management best practices. The individual has numerous certifications. . . [and] demonstrates expert experience (a minimum of 5 years) and/or knowledge related to [many of the bulleted requirements listed in the PWS]. The resume indicates that the individual has a bachelor's degree in psychology, but does not have a bachelor's degree in computer science, [IT], or a related field. [] Although failure to meet all qualifications could increase the risk of unsuccessful contract performance, the lack of related bachelor's degree is a minor weakness in

this instance where the individual has extensive experience and has the education and training that comes with his numerous certifications and where Psychology is a STEM field that can help provide insight into user behavior and experience.

AR, Tab 2, SSEB Reevaluation Report at 163-164.

For the accessibility lead, the PWS again included a bulleted list of demonstrated knowledge and experience and stated that the special qualifications and certifications required included a bachelor's degree in computer science, IT, or a related field. PWS at 76. In its evaluation of CRGT's accessibility lead, the agency concluded the individual possessed much of the desired knowledge and expertise but also found, in pertinent part, as follows:

The individual also has over [DELETED] years of experience in accessibility/508 for a government agency. However, the resume indicates that the individual has a bachelor's degree in journalism, a master's degree in mass communications, and doctorate in applied educational studies, but the individual does not have a bachelor's degree in computer science, [IT], or a related field. [] Although failure to meet all qualifications could increase the risk of unsuccessful contract performance, the lack of related bachelor's degree is a minor weakness in this instance where the individual has extensive experience in accessibility/508^[6] for a government agency and where communications is an important corollary to accessibility.

AR, Tab 2, SSEB Reevaluation Report at 137; *see also* Protest, Exh. M, CRGT Technical Proposal at 538-539.

CRGT argues that the agency should have assigned SAIC's proposal a deficiency because SAIC proposed a cloud lead with a bachelor's degree in psychology, a field unrelated to computer science or IT. Protest at 13; Comments at 9-10. CRGT also challenges the finding of a weakness for its accessibility lead because it was not identified in the agency's initial evaluation. Protest at 16; *see also* Comments at 14 ("The Government unreasonably concluded that CRGT's proposed Accessibility Lead lacked the experience required by the RFP.").

The agency argues that its evaluation of key and named personnel was fair and reasonable. Specifically, the agency argues that it was reasonable to find only a minor

⁶ Accessibility/508 refers to section 508 of the Rehabilitation Act of 1973. 29 U.S.C. § 794d. The PWS here included requirements to comply with accessibility standards and section 508 to "[ensure] that people with disabilities have equal opportunities to participate in the workforce, access information, and engage with our agency." PWS at 101.

weakness for SAIC's cloud lead having a bachelor's degree in psychology because the individual had over [DELETED] years of relevant experience and multiple certifications, and because psychology is a STEM field. MOL at 13. Similarly, the agency argues that it reasonably considered as a minor weakness that CRGT's accessibility lead did not have the desired degree in computer science, IT, or a related field because the individual possessed extensive experience with accessibility/508 for a government agency and the agency considered that a communications degree is a corollary to accessibility. *Id.* at 17.

Based on our review, we find no basis to sustain the protest. Even assuming, as the protester argues, that the special qualifications and certifications constituted mandatory minimum requirements that would render a proposal unacceptable if not met, the agency effectively waived the requirement for both offerors and treated the offerors equally. See e.g., *DRS Network & Imaging Sys., LLC*, B-413409, B-413409.2, Oct. 25, 2016, 2016 CPD ¶ 315 at 9-10. In the case of both SAIC's cloud lead and CRGT's accessibility lead, neither possessed a bachelor's degree in computer science, IT, or a related field as required. Nevertheless, the record shows the agency considered the experience possessed by the individuals relative to the requirements of the positions for which they were proposed, noting that both had over [DELETED] years of related work experience and other credentials that made the lack of the desired degree only a minor weakness.⁷ By doing so, the agency waived this requirement for both offerors. Accordingly, the protester has not demonstrated that it was prejudiced, and these allegations are denied.⁸

The protester also argues that SAIC's key and named personnel fail to satisfy the applicable security clearance requirements. While the protester concedes that some hold other clearances, none currently holds a "Tier 2 Public Trust clearance" with GAO as required in the RFP. CRGT contends the agency should have identified a deficiency for these failures in the evaluation of SAIC's transition plan. Protest at 15; see also

⁷ We note that for CRGT's accessibility lead evaluation, CRGT states that the agency "reasonably found 'the communications degree to be a corollary to accessibility' and noted the 'individual's extensive experience in accessibility'." Comments at 14. Yet, CRGT critiques the agency's similar approach in evaluating SAIC's cloud lead. *Id.* at 9 ("In effect, the Government's rationale – that experience and an unrelated degree is sufficient – renders the requirement to hold a degree meaningless.").

⁸ As noted, the protester also argues that three other key and named personnel proposed by SAIC fail to meet the special qualifications and certifications. Protest at 14. Even if true, the protester nonetheless equally benefitted from the agency's waiver of similar requirements for some of its own key personnel and therefore cannot demonstrate prejudice with respect to these allegations. See e.g., *Zodiac of North America*, B-409084 *et al.*, Jan. 17, 2014, 2014 CPD ¶ 79 at 7 (finding no competitive prejudice from waiver of a solicitation requirement where the agency waived the requirement for both awardee and protester).

Comments at 12-13. The agency states that due to cost and resource limitations, the GAO specific clearances would be granted by GAO during transition, at which time it would conduct the requisite background checks. The agency argues that by the protester's standard it would be the only offeror that could possibly have met this requirement, which would have presented an unreasonable restraint on competition. COS/MOL at 15.

Regarding personnel security requirements, the PWS stated as follows:

Contractor shall provide personnel performing work under this requirement that have, at minimum, a favorable Tier 2 (formerly Moderate Risk Background Investigation (MBI)) Public Trust Background Investigation before accessing GAO networks and obtaining GAO badges. The contractor shall ensure its personnel maintain the level of security required for the life of the contract. Personnel supporting SIPRNET and Cybersecurity functions shall have an active Tier 3 / SECRET Clearance on day one of contract performance and shall maintain the level of security required for the life of the contract.

PWS at 71. Based on this requirement, which does not require the contractor to have Tier 2 cleared personnel on day 1 of performance, we find no basis to conclude that the agency was unreasonable for not identifying a deficiency in SAIC's proposal. As the protester concedes, some SAIC personnel hold clearances and the protester has not otherwise demonstrated that SAIC could not satisfy the performance requirements if awarded the contract. On this record, we find the agency's evaluation to be reasonable and thus deny this allegation.

Past Performance

The protester challenges the agency's evaluation of its past performance, specifically, the agency determination of the relevancy of its references. In general, CRGT argues its references were similar to or exceeded the size, scope, and complexity of the TIS contract requirements and the agency should have deemed all three of its references as very relevant, resulting in a substantial confidence rating. Protest at 16-20. The agency argues that its evaluation did not change during corrective action and was reasonable and consistent with the criteria in the solicitation. COS/MOL at 18-19.

In task order competitions conducted pursuant to FAR subpart 16.5, our Office will examine an agency's evaluation of an offeror's past performance only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations, since determining the relative merit of an offeror's past performance is primarily a matter within the agency's discretion. *Engility Corp.*, B-413120.3 *et al.*, Feb. 14, 2017, 2017 CPD ¶ 70 at 10; *TeleCommunication Sys., Inc.*, B-413265, B-413265.2, Sept. 21, 2016, 2016 CPD ¶ 266 at 7. The evaluation of past performance, by its very nature, is subjective, and we will not substitute our judgment for reasonably based evaluation ratings; an offeror's disagreement with an agency's

evaluation judgments, by itself, does not demonstrate that those judgments are unreasonable. *Engility Corp.*, *supra* at 10; *Cape Envtl. Mgmt., Inc.*, B-412046.4, B-412046.5, May 9, 2016, 2016 CPD ¶ 128 at 8-9.

Here, the RFP required that offerors submit a two-page narrative for each of a maximum of three relevant contracts currently being performed or completed within five years of the RFP posting. RFP at 47. Offerors were required to ensure that past performance questionnaires corresponding to its contract references were submitted to the agency, otherwise an offeror without a complete past performance record for its references would not be evaluated and would receive a rating of neutral. *Id.* at 46-47. The RFP stated that the agency would evaluate past performance to determine its relevance in terms of size, scope, and complexity to the RFP requirements, and the quality of that performance.⁹ *Id.* at 51.

CRGT's proposal included three past performance contract references: (1) the incumbent contract (the predecessor to the TIS contract); (2) a Drug Enforcement Agency (DEA) Bluestone contract; and (3) a Department of Justice (DOJ) Enterprise Standard Architecture V contract.¹⁰ Protest, Exh. S, CRGT Past Performance Proposal at 851-857. In its evaluation, the agency concluded that the incumbent contract was very relevant, but that CRGT's two other contract references were only relevant. AR, Tab 5, Consensus Past Performance Evaluation Report at 299-301. Regarding quality of performance, the agency assigned a rating of outstanding for CRGT's DEA Bluestone reference but assigned ratings of acceptable for the remaining two references. *Id.*

Related to its finding that the DEA Bluestone contract was relevant, the evaluators found that the complexity of the reference was similar in complexity to task areas 2, 3, and 9, and that the size was essentially the same when comparing the number of end users and devices, but also concluded:

⁹ Relevance ratings were as follows: very relevant; relevant; somewhat relevant; or not relevant. AR, Tab 5, Consensus Past Performance Evaluation Report at 293. Ratings for quality of performance were assigned as follows: outstanding; highly acceptable; acceptable; marginal; unsatisfactory; or not applicable. *Id.* After assessing the relevance and quality of performance of the references, the following confidence ratings were to be assigned: substantial confidence; satisfactory confidence; neutral or unknown confidence; limited confidence; or no confidence. *Id.* at 294.

¹⁰ The protester initially challenged the agency's evaluation of the DOJ Enterprise Standard Architecture V contract reference. See Protest at 16-20. However, the protester did not meaningfully address the agency's response to this allegation in its comments on the agency report. See Comments at 14-18. Therefore, we consider this argument abandoned. 4 C.F.R. § 21.3(i)(3) (GAO will dismiss any protest allegation or argument where the agency's report responds to the allegation or argument, but the protester's comments fail to address that response); see e.g., *Horizon Strategies*, B-415415, Dec. 21, 2017, 2017 CPD ¶ 390 at 5 n.5.

However, it's not clear the past performance effort included several items in scope. For example, they did not mention any experience on this contract with publishing, web services, and [lean portfolio management], all of which are vital to contract performance. Based on the information provided this contract is similar but not the same.

Id. at 300. Overall, the agency assigned CRGT's past performance a rating of satisfactory confidence and explained as follows:

[CRGT] was rated as having one Relevant contract with Outstanding quality, one Relevant contract with Acceptable quality, and one Very Relevant contract with Acceptable quality. Size was essentially the same for all three references, and one contract was essentially the same in scope and complexity. The complexities and scope for the other two contracts were only similar. However, the Very Relevant contract only had Acceptable quality. Thus, the government has an expectation of successful contract performance.

Id. at 301.

The protester argues that the evaluation of its DEA Bluestone reference should have been found very relevant because it is valued at over \$875 million as compared to the \$95 million award to SAIC and involved a much more complex environment than the RFP requirements. CRGT acknowledges that the reference does not specifically address task area 8 (publishing, information and web support services) but otherwise demonstrates experience in the other nine task areas, and nothing in the RFP required that each reference demonstrate experience with every single aspect of each task area. The protester argues that had the agency reasonably evaluated its past performance, it would have rated the DEA Bluestone reference very relevant, which would have increased CRGT's overall rating to substantial confidence. Comments at 14-18.

The agency argues that the protester has conceded that the reference did not include the scope of work included in task area 8, and that CRGT provides no compelling basis to demonstrate that the agency's evaluation was incorrect but merely disagrees with the agency's well-reasoned conclusions. COS/MOL at 18-19. We agree. The fact that the DEA Bluestone reference in terms of dollar value is larger than the TIS contract does not controvert the agency's finding that the contract was similar in size (with respect to end users and devices) but did not include the scope of work from task area 8, and CRGT's disagreement with the agency is insufficient to demonstrate that the rating of relevant was unreasonable. As noted, the agency recognized that the quality of performance on the DEA Bluestone contract was outstanding, but because CRGT's other reference--one very relevant and the other relevant--were rated acceptable for quality of performance, the agency assigned a rating of satisfactory confidence. On this

record, we find no basis to conclude the evaluation is unreasonable. Accordingly, this allegation is denied.¹¹

Best-Value Tradeoff Decision

Finally, the protester argues that because of its erroneous evaluation, the agency irrationally failed to perform a best-value tradeoff. CRGT also contends that it was improper for the agency to conclude that SAIC's proposal is more highly rated because both offerors received an overall rating of good. Protest at 20-22. The agency argues that it properly concluded that SAIC had the highest ratings and the lowest price, and thus did not need to perform a tradeoff analysis. COS/MOL at 19-21.

The RFP stated that the agency would "make an award to the most advantageous proposal representing the best value to the Government based upon an integrated assessment of non-price factors (Technical and Past Performance) and the Cost/Price factor." RFP at 48. Here, as discussed, both offerors received an overall rating of good under the technical approach factor. However, SAIC received a rating of good for each of the three subfactors as compared to CRGT's ratings of good under the technical solution and management approach subfactors and acceptable under the technical oral presentation subfactor. AR Tab 2, SSEB Reevaluation Report at 87. Additionally, under the past performance factor, the protester received a rating of satisfactory confidence which is lower than the substantial confidence rating received by SAIC. *Id.* On this basis, we agree with the agency's conclusion that SAIC's proposal was higher rated.

Because we have denied the protester's challenges to the agency's evaluation, we conclude that there is no basis to question the agency's best-value determination. Where, as here, the highest-rated, lowest-priced offer is selected for award, a tradeoff is not required. *WWC Glob., LLC*, B-420598, June 13, 2022, 2022 CPD ¶ 147 at 10. As discussed above, we find no merit to CRGT's challenges to the agency's evaluation. Thus, there is no basis to find unreasonable the agency's reliance upon those

¹¹ The protester also argues that the evaluation shows that the agency engaged in disparate treatment. Specifically, CRGT claims SAIC was credited with performing work that was essentially the same in task area 3 in the areas of Amazon Web Services and Microsoft 365 when "[in] fact, **SAIC's proposal does not even reference M365 in addressing Task Area 3 or elsewhere.**" Comments at 16. To the contrary, citing to section 5.3.3 of the PWS, titled Microsoft M365, the SAIC proposal states: "We managed over 300+ NASA software licenses, including Microsoft (5.3.3)." *Id.*, Exh. B, SAIC Past Performance Proposal at 7; see PWS at 132. Because CRGT's argument is based on an incorrect premise, we find no basis to conclude that the offerors were treated disparately.

evaluation judgments in making its source selection, and the protester's disagreement does not provide a basis to sustain the protest.

The protest is denied.

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