



Decision

Matter of: WingGate Travel, Inc.--Reconsideration

File: B-405007.17

Date: May 23, 2013

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GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of prior decision denying a protest is denied, where the protester does not show that the prior decision contains errors of fact or law that warrant reversal or modification of the decision.

DECISION

WingGate Travel, Inc., of Overland Park, Kansas, requests that we reconsider our decision in WingGate Travel, Inc., B-405007.14, April 12, 2013, 2013 CPD ¶ 101, denying the firm's protest of the award of a contract to Semont Travel, doing business as Travco, of Great Falls, Montana, under request for proposals (RFP) No. H98210-10-R-0006, issued by the Department of Defense (DOD), Defense Human Resources Activity, for travel management services in support of the Defense Travel Management Office.

We deny the request.

BACKGROUND

The RFP provided for the award of up to six indefinite-quantity/indefinite-delivery, fixed-price contracts to provide travel management services to support official travel activities of authorized DOD travelers for six separate travel areas (one award per travel area) within the continental United States. WingGate's protest concerns the competition for commercial travel office services for Travel Area 2. Offerors were informed that award would be made on a best value basis, considering the following factors in descending order of importance: technical, past performance, and price. RFP Conformed at 49, 51.

DOD received offers from four offerors, including WingGate and Travco, which were evaluated using an adjectival rating scheme set forth in the solicitation.¹ Id. at 52-53. WingGate’s and Travco’s proposals were evaluated as follows:

	WingGate	Travco
Technical	Exceptional	Acceptable
Past Performance	Substantial Confidence	Substantial Confidence
Price	\$6,150,501	\$5,379,809

Award Rationale Memorandum, Nov. 8, 2012, at 10-15, 41-52. The adjectival ratings were supported by narrative discussion documenting the evaluated strengths and weaknesses in the respective proposals. Id. For example, the evaluators noted a number of strengths in WingGate’s proposal including its offer of a wide variety of automated tools to streamline manual processes, enhance quality assurance, and reduce errors. Id. at 10.

The agency’s source selection authority (SSA) reviewed and adopted the evaluator’s findings, ratings and recommendation that award be made to Travco. Id. at 54. In this regard, the evaluators and the SSA recognized that WingGate’s and Travco’s past performance had received identical substantial confidence ratings, and neither proposal was considered superior to the other under this factor. Id. at 53. The evaluators and SSA also recognized that WingGate’s proposal was evaluated as exceptional under the technical factor, where Travco’s proposal was evaluated as only acceptable. They also concluded, however, that there was minimal risk of unsuccessful contract performance by either offeror. Id. The evaluators and SSA concluded that the strengths identified in WingGate’s technical proposal were “not significant enough to merit paying a premium price of 14% more for [the offeror’s] services.” Id. On this basis, the SSA concluded that Travco’s substantial price advantage outweighed WingGate’s exceptional technical rating, and that the government could not justify selecting WingGate’s higher-priced proposal for contract award. Id. at 54.

Award was made to Travco, and WingGate protested to our Office, challenging the selection of Travco’s lower-rated, lower-priced proposal as reflecting the best value to the government. WingGate argued that the agency placed too much emphasis

¹ Proposals were evaluated under the technical factor as exceptional, acceptable, or unacceptable. RFP Conformed at 52.

on price in its source selection decision. WingGate also contends that the agency failed to adequately document its cost/technical tradeoff decision. Protest at 2-4.

We denied WingGate's protest, finding that the record did not support WingGate's contention that the selection of Travco was inconsistent with the RFPs' stated evaluation scheme. WingGate Travel, Inc., *supra*, at 2-3. We concluded the SSA reasonably determined that WingGate's higher-priced, higher-rated proposal was not worth the associated price premium, notwithstanding the fact that technical was more important than price. *Id.* Quite simply, the SSA was not unaware of (nor did she dispute) the various technical advantages which WingGate possessed over Travco; rather, she made a business judgment that Travco's price advantage outweighed WingGate's higher technical rating. *Id.*

DISCUSSION

WingGate requests that we reconsider our decision. While our prior decision expressly addresses the agency's cost/technical tradeoff decision, WingGate argues that we failed to address its contention that the tradeoff decision was inadequately documented. WingGate argues that the lack of documentation violates applicable procurement statute and regulations, precludes meaningful review, and renders the contract award improper. Reconsideration Request at 1-4.

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision contains either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.14(a) (2013); Waterfront Techs., Inc.--Recon., B-403638.4, June 29, 2011, 2011 CPD ¶ 126 at 3. The repetition of arguments made during our consideration of the original protest and disagreement with our decision do not meet this standard. Veda, Inc.--Recon., B-278516.3, B-278516.4, July 8, 1998, 98-2 CPD ¶ 12 at 4. As detailed below, we find no basis to reverse our earlier decision.

Source selection officials in negotiated procurements, like the one here, have broad discretion in making price/technical tradeoffs, 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. World Airways, Inc., B-402674, June 25, 2010, 2010 CPD ¶ 284 at 12. Even where technical merit is more important (or significantly more important) than price, an agency may properly select a lower-priced, lower technically-rated proposal if the agency reasonably decides that the price premium involved in selecting a higher-rated, higher-priced proposal is not justified. Hogar Crea, Inc., B-311265, May 27, 2008, 2008 CPD ¶ 107 at 8.

We find the agency's source selection memorandum, although brief, adequately documented the basis of the award determination.² Although the SSA did not specifically restate each of WingGate's strengths when comparing proposals, there is no requirement that the SSA do so. See TPL, Inc., B-297136.10, B-297136.11, June 29, 2006, 2006 CPD ¶ 104 at 13 n.12; EER Sys., Inc., B-290971.3, B-290971.6, Oct. 23, 2002, 2002 CPD ¶ 186 at 17. Rather, the SSA reviewed and adopted the evaluators' findings, ratings, and award recommendation, which detailed WingGate's strengths under the technical factor. Based upon this review, the SSA concluded that WingGate's technical advantages were not worth the associated price premium, in part because they did not lower the risk of unsuccessful performance, which was considered to be minimal for both offerors.

The record also shows, contrary to WingGate's contentions, that the agency took into account the relative importance of the RFP's stated evaluation criteria.³ In the evaluators' award recommendation that was adopted by the SSA, the agency recognized that WingGate's proposal received a higher rating under the most important technical factor than Travco's proposal received.⁴ The agency also recognized that WingGate and Travco had equal past performance ratings (which WingGate does not challenge), such that this evaluation factor was not a discriminator between the offerors. In addition, the agency correctly recognized the magnitude of the difference in the offerors' proposed prices, which WingGate also does not dispute. As we have previously held, there is also no requirement that a selection official, in performing a cost/technical tradeoff, dollarize (i.e., calculate a precise value) the technical advantages offered. See Tessada & Assocs., Inc., B-293942, July 15, 2004, 2004 CPD ¶ 170 at 8 n.7; KRA Corp., B-278904, B-278904.5, Apr. 2, 1998, 98-1 CPD ¶ 147 at 14.

In sum, we agree with WingGate that the source selection decision here could have been more detailed. On the other hand, we do not agree, as a legal matter, that the selection judgment was inadequately documented where the record otherwise shows that the SSA fully considered all of the underlying evaluation documentation

² The brevity of the selection decision was recognized and commented upon by the GAO attorney assigned to the protest in an email to the parties during the development of the original protest. We do not agree with WingGate that this email demonstrates that the selection decision inadequately documents the SSA's judgment.

³ Contrary to WingGate's assertion that technical (by itself) was significantly more important than price, Reconsideration Request at 1, 3, the agency correctly recognized that technical and past performance, when combined, were significantly more important than price.

⁴ Under the RFP's adjectival rating scheme, an acceptable rating was one rating level lower than an exceptional rating. RFP Conformed at 52.

in concluding that the protester's technical advantages did not warrant the higher cost to the government. EER Sys., Inc., supra; see also Arctic Slope World Servs., Inc., B-284481, B-284481.2, Apr. 27, 2000, 2000 CPD ¶ 75 at 15.

The request is denied.

Susan A. Poling
General Counsel