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Decision

Matter of: Decisive Analytics Corporation

File: B-410950.2; B-410950.3

Date: June 22, 2015

James S. Phillips, Esq., and James S. DelSordo, Esq., Argus Legal LLC, for the protester.

Mark D. Colley, Esq., and Dominique L. Casimir, Esq., Arnold & Porter LLP, for Booz Allen Hamilton; Patrick R. Quigley, Esq., Craig S. King, Esq., and Christopher Bowen, Esq., Arent Fox, LLP, for CACI Enterprise Solutions, Inc.; Elizabeth Ann Buehler, Esq., J. Scott Hommer, III, Esq., Venable LLP, for Logistics Management Institute; David Z. Bodenheimer, Esq., Crowell & Moring, LLP, for Modern Technology Solutions, Inc., the intervenors.

Stephan Piel, Esq., Department of Defense, for the agency.

Pedro E. Briones, Esq., and Nora K. Adkins, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging an agency's price analysis, technical evaluation, and best-value tradeoff determination is denied where the record demonstrates that the evaluations and tradeoff decision were reasonable and consistent with the terms of the solicitation.

DECISION

Decisive Analytics Corporation (DAC), of Arlington, Virginia, protests the award of multiple contracts under request for proposals (RFP) No. HQ0034-14-R-0074, issued by the Department of Defense (DOD), Washington Headquarters Service, for mission and analytic technical support services.¹ DAC argues that the agency's

¹ The awardees are Booz Allen Hamilton (BAH) of McLean, Virginia; CACI Enterprise Solutions, Inc. (CACI), of Chantilly, Virginia; Logistics Management Institute (LMI) of McLean, Virginia; Modern Technology Solutions, Inc. (MTSI), of Alexandria, Virginia; and Systems Planning & Analysis, Inc. (SPA), of Alexandria, Virginia.

price analysis and technical evaluation, as well as its best value award decision, were unreasonable and not consistent with the terms of the solicitation.

We deny the protest.

BACKGROUND

The RFP was issued on July 2, 2014, and provided for the award of four or more indefinite-delivery, indefinite-quantity (IDIQ) 5-year contracts for a broad range of mission and analytical technical support services. Contracting Officer (CO) Statement at 1; RFP at 41, 51, 104. The RFP provided for the issuance of fixed-price or cost-reimbursable task orders (or combinations thereof) based on the types of services ordered. See RFP at 33-34, 94. The RFP stated that the IDIQ contract awards would be made on a best-value basis considering the following evaluation factors: management approach; technical expertise; seed task orders; small business utilization and subcontracting plan; past performance; and price.² Id. at 104. The solicitation advised that the non-price factors, when combined, were significantly more important than price. Id. at 105. Offerors were provided detailed instructions for submitting separate price and non-price proposals.³ See id., § L, Instructions, at 94-103.

As relevant here, with respect to the management approach factor, offerors were to propose, among other things, a summary of their quality control plan as required by the solicitation's performance work statement (PWS). Id. at 96-97. The PWS specified that the plan include a comprehensive inspection system of all scheduled and unscheduled services; a designated quality control inspector (and backup inspector); and a proactive methodology for identifying and correcting problems. Id. at 47-48. The quality control plan was also to include documentation of all inspections, corrective actions, and follow-up inspections conducted. Id. The RFP stated that the agency would evaluate how well an offeror's proposed management approach, including its proposed quality control plan, met or exceeded the PWS requirements. Id. at 105.

² The RFP also provided for an initial pass/fail evaluation of offerors' compliance with submission requirements. RFP at 95-96, 105.

³ The RFP advised that at least two awards may be set aside for small business concerns for services under one of the solicitation's two North American Industry Classification System (NAICS) Codes, and that only fixed-price task orders would be issued in that regard. RFP at 33, 94, 104. Because DAC did not compete under the procurement's small business track, we do not address the RFP's specific requirements in that regard.

With respect to the seed task orders factor, offerors were to submit separate technical and price proposals for two task order solicitations that were included with the RFP. Id. at 98; § J, attachs. 1-2, Seed Task Orders (task order X/subfactor no. 1; task order Y/subfactor no. 2). Offerors were to propose a technical approach, management team, and labor mix/hours for accomplishing each task order. Id. The RFP stated that the agency would evaluate an offeror's understanding of the task order requirements, demonstrated ability to provide quality services, and proposed labor mix/hours, among other things. See id. at 106. Offerors were informed that, at the time of IDIQ contract award, the seed task order price proposals would be evaluated and the orders would be issued on a best-value basis considering technical approach and price. See id. at 94, 110; AR at 22.

With respect to the small business utilization and subcontracting plan (hereinafter, small business plan) factor, offerors were to propose an approach to identifying and using small businesses. RFP at 98-99. The RFP stated that the agency would evaluate the extent to which an offeror specifically identified and committed (for example, through enforceable agreements) to use small businesses, and the offeror's past performance in that regard. Id. at 106-7. The evaluation would also consider the complexity, variety, and value of work (as compared to the total IDIQ contract value) that small businesses would perform. Id.

With respect to price, the solicitation required only that offerors propose fully-burdened hourly rates for 30 labor categories, using pricing worksheets with prepopulated notional labor hours, which were included as an attachment to the RFP.⁴ Id. at 100; § J, attach. 4, Pricing Worksheet. For each labor category, offerors were to propose a fixed-priced rate and a cost-reimbursable rate for both on-site and off-site labor.⁵ RFP at 100. Offerors were to also show projected rate escalations after the first year. Id. The pricing spreadsheet contained embedded equations that would calculate overall totals for all fixed-price on-site labor, fixed-price off-site labor, cost-reimbursable on-site labor, and cost-reimbursable off-site labor, respectively, as well as a total price for evaluation purposes. See id.; § J, attach. 4, Pricing Worksheet. The RFP stated that the agency would use various price analysis techniques under Federal Acquisition Regulation (FAR) § 15.404-1(b) to determine whether proposed labor rates were fair and reasonable.

⁴ Each labor category was classified with one, or more, education/experience levels (advanced, intermediate, basic). RFP at 34-38. For example, the earned value analysis labor category was broken into advanced, intermediate, and beginner levels, while the statistician category was only at the advanced level. The solicitation also provided an explanation for each labor category and level, but did not include an estimated years of experience.

⁵ The on-site labor rates were for the national capital region and off-site rates were for anywhere in the continental United States. RFP at 100.

RFP at 107. The solicitation also stated that the reasonableness of total labor rates would be assessed based on: (1) whether they reflected a clear understanding of the IDIQ requirements and established labor categories; (2) were consistent with various aspects of an offeror’s technical proposal; and (3) were appropriate for the specified performance locations.⁶ Id.

DOD received proposals from 20 offerors, including DAC, by the August 4 due date. CO Statement at 1. On December 12, DOD awarded contracts to five offerors (the same awardees identified above, supra n.1), not including DAC. Id. at 2. DAC protested the awards on December 22, challenging, as it does in the instant protest, the agency’s evaluation of DAC’s technical proposal, as well as the agency’s price evaluation and best-value tradeoff determination. In response to the protest, DOD advised the parties that it would take corrective action by reevaluating DAC’s proposal and making a new best value determination and source selection decision. We subsequently dismissed DAC’s protest as academic. Decisive Analytics Corp., B-410950, Jan. 20, 2015 (non-digested dismissal).

After taking corrective action, the awardees’ and DAC’s proposals were evaluated as follows:

	BAH	CACI	LMI	MTSI	SPA	DAC
Management Approach	Good	Good	Acceptable	Good	Good	Good
Technical Expertise	Outstanding	Outstanding	Good	Good	Good	Outstanding
Seed Task Orders	Significant Confidence	Confidence	Significant Confidence	High Confidence	Significant Confidence	Significant Confidence
Small Business Plan	Good	Good	Acceptable	Acceptable	Acceptable	Good
Past Performance	Substantial Confidence	Satisfactory Confidence	Substantial Confidence	Satisfactory Confidence	Satisfactory Confidence	Substantial Confidence
Total Evaluated Price ⁷	\$106 M	\$69 M	\$61 M	\$107 M	\$85 M	\$124 M

⁶ The labor categories and labor hours were fixed for the purposes of the IDIQ price evaluation. RFP at 100. The solicitation stated that offerors were free to propose their own labor mix, hours, and rates at the task order level. See id., Task Order Procedures, at 57-59. However, the solicitation indicated that the loaded hourly rates proposed at the IDIQ level will be “the maximum allowable rates used throughout the life of this contract.” RFP at 100.

⁷ The offerors’ proposed prices are rounded to the nearest million.

Agency Report (AR), Tab 15, Source Selection Advisory Council Recommendation, at 5; Tab 12, Consensus Evaluation Report, at 51-66; Tab 13, Price Evaluation Mem., at 5.⁸

The agency's source selection evaluation board documented its evaluation of the proposals, including its assignment of strengths and weaknesses, and its overall factor ratings, in a detailed evaluation report. AR, Tab 12, Consensus Evaluation Report. DAC's management approach rating reflected the evaluators' assessment of a number of strengths in its proposal, but also reflected their assessment of a weakness because DAC's quality control plan did not address the frequency of inspections or the inspection of subcontractor products. Id. at 52-53. DAC's rating under the seed task orders factor reflected a strong understanding and appropriate labor category mix and hours for task order Y. Id. at 58. For seed task order X, the evaluators determined that DAC demonstrated a solid understanding of the "tools and processes of DoD financial and budget management," but they assessed DAC a weakness for proposing an inappropriate labor category, as well as excessive and duplicative labor hours. Id. at 59. DAC's small business plan rating reflected three strengths and no weaknesses.⁹ Id. at 62-63.

Price proposals were evaluated by the agency's contracting officer for reasonableness. AR, Tab 13, Price Evaluation Mem., at 1-19; see CO Supp. Statement at 1-4. To analyze total evaluated prices, the contracting officer used a standard deviation from the mean total prices to establish a general range for reasonableness, and analyzed outliers to determine whether they were in line with current market prices. See AR, Tab 13, Price Evaluation Mem., at 2-3.

To analyze proposed labor rates, the contracting established benchmark rates based on salary data from the Economic Research Institute (ERI) in order to identify outlier labor rates for evaluation. CO Supp. Statement at 1-2. Because ERI salary data for individual labor categories are classified by years of experience, the contracting officer estimated a typical number of years' experience for each RFP labor category level (i.e., basic, intermediate, or advanced) based on the experience and educational requirements for each level. Id. at 1-2. He estimated that the appropriate years' experience to identify comparable ERI labor categories (with

⁸ Under the RFP's rating scheme, a good rating reflected a proposal that met, and indicated a thorough approach and understanding of, the requirement, with strengths that outweigh any weaknesses and a low risk of unsuccessful performance. RFP at 108.

⁹ DAC does not challenge the agency's evaluation of offerors' technical expertise or past performance.

one exception)¹⁰ were 1 year for the basic level, 12 years for the intermediate level, and 16 years for the advanced level. Id. The contracting officer then selected the corresponding ERI labor rates at the 10th percentile (that is, the lower end of the salary ranges), because he anticipated that the procurement would be highly competitive (based on the factors discussed below) and that firms could thus hire qualified personnel at labor rates lower than prior procurements for this same requirement. See id. at 2-3. Since the offerors proposed fully-burdened labor hours, the contracting officer also added a 45-percent indirect rate and a 5-percent profit rate to the ERI salary rates, based on a recent contract issued by the Missile Defense Agency for engineering and support services (MIDAESS). Id. at 3. The contracting officer determined that the MIDAESS procurement provided the most recent, comparable indirect and profit rates based on a number of factors, including the type and geographical distribution of the services, DOD's current budgetary constraints and the resulting increase in competition, and aggressive discounts that IDIQ contractors were offering in recent task order competitions. See id. at 3-4

Based upon his established benchmark rates, the contracting officer evaluated the proposed labor rates as follows. First, he determined if any of the labor rates fell below his ERI-established benchmark rates. AR, Tab 13, Price Evaluation Mem., at 3-4. Labor rates that fell below the benchmark rates were then evaluated further. As pertinent here, with regard to CACI, the contracting officer found that its total evaluated price was reasonable, and that CACI's outlier rates¹¹ (for six labor categories) were also reasonable based on the current competitive environment and the likelihood that CACI made a slightly different assumption regarding education/experience levels. See id. at 8. With regard to LMI, the contracting officer also found that its total evaluated price was reasonable, and that LMI's outlier rates (for 11 labor categories) also were reasonable based on the current competitive environment, the likelihood that LMI made a slightly different assumption regarding education/experience levels, LMI's not-for-profit status, and because, in the agency's experience, [DELETED].¹² See id. at 13. The contracting officer also found that DAC's total evaluated price and labor rates were reasonable. Id. at 9.

¹⁰ Although the RFP specified an intermediate experience level for the program manager category, the contracting officer considered that category at the advanced level (i.e., 16 years) for purposes of the ERI tool, because the program manager position would manage at the overall IDIQ contract level rather than at the task order level. CO Supp. Statement at 2.

¹¹ That is, those labor rates that were more than 10 percent below the contracting officer's ERI-estimated benchmark rates.

¹² In this regard, the contracting officer noted that in his experience some offerors propose higher rates at the IDIQ contract level, with the intent to provide drastic discounts for the task order competition, while other offerors retain their rates from

(continued...)

The agency's source selection authority (SSA) made a best value determination based on a comparative assessment of proposals and the evaluators' findings and recommendations. AR, Tab 17, Source Selection Decision, at 1. The SSA concluded that the proposals of five offerors (see supra n.1) provided the best value to the government. Id. at 4. The SSA found that DAC's favorable evaluation ratings did not offset the difference in its price over the other offerors. See id. at 3. Awards were made on March 2, 2015, and this protest followed.¹³

DISCUSSION

DAC protests DOD's technical and price evaluations, as well as the agency's assessment of best value. While our decision here does not specifically discuss the protester's each and every argument, we have considered all of DAC's assertions and find none furnish a basis for sustaining the protest.

DAC's Non-Price Evaluation

DAC's protest of the evaluation of its proposal under the non-price factors is premised in large part on the protester's disagreement with its evaluation ratings and the number of weaknesses assessed by evaluators against DAC's proposal. In this regard, DAC: (1) asserts that the agency's evaluation under the seed factor is contrary to the stated evaluation criteria because it improperly considered price elements; (2) argues that it was entitled to an outstanding rating under the small business plan factor because its proposal was evaluated to have three strengths and no weaknesses, and because the proposal significantly exceeded DOD's small business program goals; and (3) contends that the agency's assignment of a weakness under the management approach factor for its quality control plan was improper because the agency deviated from the solicitation's evaluation criteria.

In reviewing protests of an agency's evaluation, our Office does not reevaluate proposals, rather, we review the record to determine if the evaluation was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. See Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6; Cherry Road Techs.; Elec. Data Sys. Corp., B-296915 et al., Oct. 24, 2005, 2005 CPD ¶ 197 at 6.

(...continued)

the IDIQ contract, and do not provide discounts in their task order proposals. CO Statement at 12.

¹³ The small business IDIQ awards were not protested. CO Statement at 2. The agency proceeded with performance and has been issuing task orders thereunder. See Supp. CO Statement at 4.

We find the agency's evaluation of DAC's proposal reasonable and consistent with the solicitation criteria. For example, the protester asserts that the agency's evaluation under the seed task orders factor was improper because the agency's determination was based upon improper price considerations. The agency's evaluation of DAC's seed task order X found that DAC's approach included an inappropriate labor category and excessive and duplicative labor hours. We have no basis to question the agency's conclusion. The record demonstrates that the agency's evaluation of DAC's seed task order did not consider price elements and instead properly determined whether DAC's technical approach included an appropriate labor category mix and labor hours.¹⁴ RFP at 108.

As another example, DAC disputes its evaluation under the small business plan factor, arguing that this factor should have been rated outstanding, because its proposal significantly exceeded DOD's small business program goals. However, DAC does not respond to the agency's argument that the RFP did not state that proposals would be evaluated against DOD's small business program goals, or that in any event, DAC's proposed small business utilization target of 39 percent did not "significantly" exceed the agency's 36.7 percent small business utilization goals. AR at 6. Moreover, with regard to DAC's assertion that it should have received an outstanding rating, instead of a good rating, because it received three strengths and no weakness, we have long held that there is no legal requirement that any agency must award the highest possible rating, or the maximum point score, under an evaluation factor simply because the proposal contains strengths and/or is not evaluated as having any weaknesses.¹⁵ See Applied Tech. Sys., Inc., B-404267, B-404267.2, Jan. 25, 2011, 2011 CPD ¶ 36 at 9.

In sum, we find no basis to question the agency's evaluation of DAC's technical proposal, and the protester's myriad allegations to the contrary only reflect its disagreement with the agency's evaluations; these allegations provide no basis to

¹⁴ The agency points out that DAC's arguments, with regard to its evaluation under the seed task order evaluation factor, are incorrectly based on the agency's earlier (i.e., pre-corrective action) evaluation and debriefing. The protester did not attempt to rebut the agency's allegation.

¹⁵ DAC's challenge to the agency's evaluation of its proposal under the management approach evaluation factor is equally unavailing. Here, DAC argues that the evaluators assessed weaknesses unreasonably because DAC's proposal addressed all PWS quality control plan requirements. However, the record demonstrates that its quality control plan neglected to address various required areas, and that the provisions that the protester cites in support of its arguments, are actually included in its communications plan, not its quality control plan.

question the reasonableness of the agency's judgments. See Citywide Managing Servs. of Port Washington, Inc., B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 10-11.

Price Evaluation

DAC contends that the agency failed to meaningfully evaluate offerors' proposed labor rates, resulting, according to the protester, in the wide disparity in the offerors' total evaluated prices. The gravamen of DAC's complaint is that, by estimating the number of years of experience for each RFP labor category level (in order to identify comparable ERI labor rates as described above), the contracting officer established arbitrary benchmarks that masked purportedly unrealistically low labor rates of outliers such as CACI and LMI. In this respect, DAC asserts that the agency failed to consider CACI's and LMI's allegedly unbalanced rates for selected labor categories. According to DAC, the agency should have conducted discussions to ensure that offerors were pricing labor categories on a level basis.¹⁶

As an initial matter, the protester mistakenly contends that the agency was required to conduct both price realism and cost realism analyses. According to DAC, the RFP required the agency to conduct a price realism analysis because the RFP stated that the agency would evaluate proposed prices to determine whether they reflected a clear understanding of the RFP. See RFP at 107. DAC asserts that the RFP also required a cost realism analysis because the solicitation contemplates the issuance of cost reimbursable task orders.

Our Office has held that, in the absence of an express price realism provision, we will only conclude that a solicitation contemplates a price realism evaluation where the solicitation expressly states that the agency will review prices to determine whether they reflect a lack of technical understanding, and where the solicitation states that a vendor/offeror's submission may be rejected on the basis of low prices. DynCorp Int'l LLC, B-407762.3, June 7, 2013, 2013 CPD ¶ 160 at 9. Absent a solicitation provision providing for a price realism evaluation, agencies are neither required, nor permitted, to conduct one in awarding a fixed-price contract. Emergint Techs., Inc., B-407006, Oct. 18, 2012, 2012 CPD ¶ 295 at 5-6.

Contrary to DAC's assertion, the RFP here did not contemplate a price realism analysis. See RFP, § M-4.6, at 107. Specifically, the solicitation did not contain an express provision for price realism analysis, nor did it advise vendors that their quotations could be rejected on the basis of low prices; accordingly, a price realism

¹⁶ The RFP advised that the agency would make award without discussions, but reserved the right to conduct discussions if necessary. RFP at 104.

analysis was neither required nor permitted. ERMIX, Inc., B-410682, Jan. 22, 2015, 2015 CPD ¶ 92 at 7-8; DynCorp Int'l, *supra*.

Moreover, the RFP did not contemplate a cost realism analysis. A cost realism analysis involves independently reviewing and evaluating specific elements of each offeror's cost estimate to determine whether the estimated proposed cost elements are realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the unique methods of performance and materials described in the offeror's proposal. FAR § 15.404-1(d)(1); Advanced Commc'n Sys., Inc., B-283650 *et al.*, Dec. 16, 1999, 2000 CPD ¶ 3 at 5. Based on the results of the cost realism analysis, an offeror's proposed costs should be adjusted "to realistic levels based on the results of the cost realism analysis." FAR § 15.404-1(d) (2) (ii).

We recognize that the RFP, as described above, provided that the agency would assess the reasonableness of an offeror's total labor rates based on whether they reflected a clear understanding of the IDIQ requirements and were consistent with the offeror's technical proposal. *See* RFP at 107.¹⁷ However, a cost realism analysis here was not required for a number of reasons. First, the RFP only required offerors to propose labor rates. Contrary to the protester's suggestion, the agency was not required to assess proposed labor mixes or hours, because these were fixed at the IDIQ contract level.¹⁸ Second, under the terms of the RFP, offerors' proposed labor rates are capped throughout the life of the contract. RFP at 100. Thus, DAC's allegation that the agency would incur higher costs at the task order level is incorrect. Finally, the agency will be required to conduct cost realism analyses during competitions for cost-reimbursable task orders. In this respect, the RFP contemplates that at the task order level (unlike the IDIQ competition here), contractors will identify key personnel, project team members, labor mix, hours, and rates, and submit cost and pricing data in that regard. *See* RFP, Task Order Procedures, at 58-59.

With respect to the price analysis undertaken at this point in the procurement--*i.e.*, the award of the multiple IDIQ contracts against which later orders will be placed--the manner and depth of an agency's price analysis is a matter within the sound exercise of the agency's discretion, and we will not disturb such an analysis unless it lacks a reasonable basis. Gentex Corp.-Western Operations, B-291793 *et al.*, Mar. 25, 2003, 2003 CPD ¶ 66 at 21. It is up to the agency to decide upon the appropriate method for evaluation of cost or price in a given procurement, although

¹⁷ The agency states that this RFP provision was consistent with the FAR definition of cost realism. AR at 22 n.4, *citing* FAR § 2.101.

¹⁸ Since offerors proposed only their labor rates, there was no cost or pricing data for the agency to review.

the agency must use an evaluation method that provides a basis for a reasonable assessment of the cost of performance under the competing proposals. S. J. Thomas Co., Inc., B-283192, Oct. 20, 1999, 99-2 CPD ¶ 73 at 3. In reviewing a protest against the propriety of an evaluation, it is not our function to independently evaluate proposals and substitute our judgment for that of the contracting activity. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. Rather, we will review an evaluation to ensure that it was reasonable and consistent with the evaluation criteria in the solicitation and applicable procurement statutes and regulations. Id.

Based on our review of the record, we find reasonable the agency's reliance on ERI-based benchmarks to evaluate the proposed labor rates, and we find the agency's price analysis consistent in that respect with FAR § 15.404-1(b). The contracting officer's selection of the years of experience estimates, his use of the 10th percentile salary range, and the labor rate burdens were all reasonably based upon historic information, the current competitive environment, and the contracting officer's best assessment of the agency's needs.¹⁹ DAC has not shown that the agency's fundamental approach was unreasonable or that it used unreliable data (for example, inaccurate labor categories or hours) to arrive at its calculations.²⁰ See Energy Enter. Solutions, LLC; Digital Mgmt., Inc., B-406089 et al., Feb. 7, 2012, 2012 CPD ¶ 96 at 7.

In essence, DAC's protest of the agency's price evaluations largely reflects the protester's disagreement with the RFP's labor category structure, which DAC did not timely protest. See Protest at 16 (The agency "*refused six times to provide any details on [task order] staffing[.]*") (emphasis in original); Protester's Comments at 12 ("The Agency, unfortunately, refused to establish a common baseline for years of experience in the RFP, even though multiple questions were submitted by bidders

¹⁹ The protester concedes "that this was a very competitive procurement." Protest at 6.

²⁰ We also find no merit to the protester's allegations of unbalanced pricing. Where a solicitation for the award of an IDIQ contract provides estimated quantities (in this case, hours) for individual items to be used in calculating a total price, and the estimated quantities used go unchallenged, there is no basis for our office to find a risk that the agency will pay unreasonably high prices, a necessary aspect of an unbalanced pricing argument. ABSG Consulting, Inc., B-404863.7, June 26, 2013, 2013 CPD ¶ 185 at 7. Additionally, we also disagree with the protester that the agency was required to conduct discussions. Where, as here, a solicitation states that the agency intends to make award without discussions, the contracting officer's discretion not to hold discussions is quite broad and is, in general, a matter that we will not review. Trace Sys., Inc., B-404811.4, B-404811.7, June 2, 2011, 2011 CPD ¶ 116 at 5.

prior to the closing of the RFP highlighting the importance of this information.”), 20 (this procurement suffered from a basic flaw that was apparent to prospective offerors from the beginning--the lack of a years of experience baseline for each labor category).²¹

Best Value Determination

Finally, DAC protests DOD’s selection decision, asserting that the agency’s tradeoff analysis and best value determination were flawed because they were based on evaluations that, according to the protester’s arguments described above, were unreasonable.

As discussed above, we find no merit to DAC’s objections to the agency’s price and technical evaluations.²² Thus, there is no basis to question the agency’s reliance upon those evaluation judgments in making its source selections, and the protester’s disagreement in that regard does not establish that the agency acted unreasonably or provide a basis to sustain its protest. See Citywide Managing Servs. of Port Washington, Inc., supra.

The protest is denied.

Susan A. Poling
General Counsel

²¹ In response to offeror questions about the RFP, the agency declined to specify a precise number of years for each labor category or level. RFP, Questions & Answers, No. 20, at 5. The RFP stated that the descriptions adequately allowed offerors to accurately determine the appropriate labor rates, and that the agency was more concerned that proposed personnel for individual task orders possessed the required skills than specified years of experience. Id.

²² In this respect, we find no reason to question the agency’s implementation of its corrective action (discussed supra at 4), which the protester also challenges.