



**DOCUMENT FOR PUBLIC RELEASE**

The decision issued on the date below was subject to a GAO Protective Order. This version has been approved for public release.

# Decision

**Matter of:** Computer World Services Corporation

**File:** B-421130

**Date:** December 22, 2022

---

Matthew T. Schoonover, Esq., Matthew P. Moriarty, Esq., John M. Mattox II, Esq., Ian P. Patterson, Esq., and Timothy J. Laughlin, Esq., Schoonover & Moriarty LLC, for the protester.

Kelly E. Buroker, Esq., and Tamara Droubi, Esq., Vedder Price PC, for VariQ-CV JV, LLC, the intervenor.

James Jurich, Esq., Marianna Lvovsky, Esq., and Greta Iliev, Esq., Department of Energy, for the agency.

Michael A. Willems, Esq., and Evan D. Wesser, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

---

## DIGEST

1. Protest challenging agency's evaluation of the protester's proposal is denied where the evaluation was reasonable and consistent with the terms of the solicitation.
  2. Protest challenging the agency's best-value tradeoff is denied where the agency's decision was reasonable.
- 

## DECISION

Computer World Services Corporation (CWS), a small business of Falls Church, Virginia, protests the issuance of a task order to VariQ-CV JV, a small business of Luray, Virginia, by the Department of Energy (DOE) pursuant to request for proposals (RFP) No. 89303022REI000082, issued under the National Institutes of Health's Chief Information Officer--Solutions and Partners 3, Small Business multiple award indefinite-delivery, indefinite-quantity contract for system administration support. The protester contends the agency's evaluation of its proposal and DOE's best-value tradeoff determination were unreasonable and inconsistent with the terms of the solicitation.

We deny the protest.

## BACKGROUND

The agency issued the RFP on July 6, 2022, seeking to establish a single, fixed-price task order with a 1-year base period and four 1-year option periods. Agency Report (AR), Tab A.1, RFP at 1, 13. The RFP proposed to make award on the basis of a best-value tradeoff among three evaluation criteria listed in descending order of importance: (1) technical approach; (2) business management and key personnel; and (3) price. *Id.* at 19-20. The solicitation further provided that the non-price factors, when combined, were significantly more important than price. *Id.*

The agency received three offers in response to the RFP, including from the protester and VariQ. Contracting Officer's Statement of Facts and Memorandum of Law (COS/MOL) at 6. The agency's technical evaluation panel (TEP) evaluated each proposal and identified features of each proposal that raised or lowered their expectation that the offeror would be able to successfully perform the requirement.<sup>1</sup> *Id.* at 6-7. Of note, the TEP did not assign adjectival ratings to proposals, but instead performed a comparative assessment of the proposals. *Id.*

Following the TEP's evaluation, the contracting officer reviewed and concurred with the TEP's consensus comparative evaluation report. See AR, Tab B.2, Award Determination Document at 2. The contracting officer concluded that VariQ's proposal was superior to the protester's proposal with respect to both non-price factors, but also noted that VariQ proposed a higher price than the protester.<sup>2</sup> *Id.* at 9. The contracting officer ultimately concluded that VariQ represented the best value to the government, because the non-price factors were the most important factors and VariQ's technical superiority was worth paying the price premium. *Id.*

The agency issued a task order to VariQ on September 26, 2022. COS/MOL at 8. This protest followed.

## DISCUSSION

The protester argues that the agency erred in its evaluation of the protester's proposal and in its best-value tradeoff in numerous respects. Specifically, the protester contends

---

<sup>1</sup> In their pleadings, the parties refer to these findings as "strengths" or "weaknesses," although the TEP did not use those terms. See Protest at 3 n.2; COS/MOL at 7 n.4. For convenience, we follow the parties' usage in discussing the TEP's findings in terms of strengths or weaknesses.

<sup>2</sup> The protester's evaluated price was \$21,634,748.42, while VariQ's evaluated price was \$27,647,887.77. AR, Tab B.2, Award Determination Document at 2. Because the awarded value of the task order at issue here exceeds \$10 million this protest is within our jurisdiction to hear protests of task orders placed under civilian agency indefinite-delivery, indefinite-quantity contracts. 41 U.S.C. § 4106(f)(2).

that the agency improperly assigned several weaknesses to its technical and business management approaches. Additionally, the protester claims that the agency failed to reasonably consider the protester's lower price in conducting its best-value tradeoff. We address these arguments in turn.<sup>3</sup>

### Technical Approach

With respect to the technical approach evaluation, the protester argues that the agency erred in assigning two different weaknesses to its proposal. Protest at 3-4. First, the protester alleges that the agency ignored responsive information in its proposal concerning how the protester would support all activities outlined in performance work statement (PWS) subsection 2a.<sup>4</sup> *Id.* Second, the protester contends that the agency either ignored relevant information in its proposal or applied an unstated evaluation criterion in concluding that the protester failed to adequately distinguish between two different roles in the PWS. *Id.*

When reviewing a protest against an agency's evaluation of proposals, our Office will not substitute our judgment for that of the agency; rather, we will examine the record to

---

<sup>3</sup> The protester raises other arguments that are not addressed in this decision. While we do not address all the protester's arguments in this decision, we have considered them and conclude that they provide no basis to sustain the protest.

For example, the protester argues in several areas that the page limits imposed by the solicitation effectively limited the detail that could be provided in a proposal, and that we should consider the agency's evaluation to be unreasonable in light of those constraints. See Protest at 3. Indeed, with respect to one technical weakness, the protester's only responsive argument focuses on the page limitations and the resulting alleged unreasonableness of the agency's concern with the lack of supporting detail. See Comments at 3 n.1.

On the record before us, we cannot conclude that the agency evaluators expected more detail than was reasonably required to address the solicitation's requirements. In this regard, it is an offeror's responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation and allows for meaningful review by the procuring agency. *Applied Visual Tech., Inc.*, B-401804.3, Aug. 21, 2015, 2015 CPD ¶ 261 at 3. More significantly, to the extent the protester now argues that the level of detail required by the solicitation was incompatible with the page limitations imposed by the solicitation, such arguments constitute an untimely challenge to the terms of the solicitation. 4 C.F.R. § 21.2(a)(1); *Spathe Systems, LLC*, B-420399, B-420399.2, Mar. 18, 2022, 2022 CPD ¶ 88 at 6; *KSJ & Assocs., Inc.*, B-417850, Nov. 18, 2019, 2019 CPD ¶ 403 at 6-7.

<sup>4</sup> Subsection 2a of the PWS principally relates to systems administration and support involving Microsoft technologies, such as Azure and Microsoft 365. RFP at 30-31. The tasks involved both user and systems management activities, including, among other things, monitoring, testing, and engineering. *Id.*

determine whether the agency's judgments were reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. *U.S. Textiles, Inc.*, B-289685.3, Dec. 19, 2002, 2002 CPD ¶ 218 at 2. In this regard, the evaluation of an offeror's proposal is a matter within an agency's broad discretion, since the agency is responsible for defining its needs and the best method for accommodating them. *Id.*

With respect to the first weakness, the agency concluded the protester's proposal did not provide sufficient detail as to how it would support all activities outlined in PWS subsection 2a. AR, Tab B-1, TEP Report at 7. The agency noted that the protester's proposal focused more on how systems management issues would be addressed rather than addressing the provision of general maintenance and support, and that the proposal lacked a plan for general maintenance, which lowered the agency's confidence. *Id.*

While the protester contends that various portions of its proposal, in fact, addressed general maintenance, we find no basis to object to the agency's contrary conclusion. See Comments at 2. While the protester has identified general language related to maintenance in its proposal that it argues can be understood as a plan for general maintenance, this misses the gravamen of the weakness assigned. The weakness was principally concerned that the protester did not provide sufficient detail concerning how it would support all activities outlined in PWS subsection 2a, and lacked a plan for general maintenance. AR, Tab B-1, TEP Report at 7.

Of note, the subsection included 19 distinct user management tasks and 13 distinct systems management tasks, and the protester's proposal neither addresses nor includes a plan for addressing many of the enumerated tasks. *Compare* RFQ at 30-31 with AR, Tab C, CWS Proposal at 17. For example, the protester's response concerning the systems management tasks describes a general approach to monitoring and help desk operations, but neither specifically addresses each of the 13 relevant tasks nor does it describe a process that would necessarily address all 13 of the tasks. *Id.* On the record before us, we see no basis to question the agency's technical evaluation that the protester's proposed approach did not provide sufficient detail demonstrating how it would support all activities outlined in PWS subsection 2a.

Second, the agency contends that they assigned a weakness because the protester's proposal indicated that one individual would take the lead on performing requirements both under PWS subsection 2a and under subsection 2b,<sup>5</sup> which raised questions about whether one individual could effectively perform two distinct roles. COS/MOL at 15-16; AR, Tab B-1, TEP Report at 7. The agency argues that the protester, in effect, simply disagrees with the agency's technical evaluation. COS/MOL at 15-16. While the

---

<sup>5</sup> Subsection 2b of the PWS included, among other things, a series of systems administration tasks related to the creation and maintenance of standard laptop images to be performed by a systems center administrator, and a system center configuration manager administrator. RFP at 31-32

protester acknowledges that it proposed that its systems center administrator would lead performance of tasks falling under both subsections 2a and 2b, the protester maintains that, by its terms, PWS subsection 2a included only functional requirements and did not specify any required personnel. Comments at 2-3. By contrast, subsection 2b required two distinct positions and the protester proposed two different people to perform those positions. *Id.* Accordingly, the protester maintains that the agency is either mistaken in concluding that the protester failed to distinguish between the two positions or is applying an unstated evaluation criterion by insisting that PWS subsection 2a required separate personnel from subsection 2b. *Id.*

We see no basis to disturb the agency's judgment on this point. While we agree with the protester that the solicitation did not expressly require separate personnel to perform the requirements of subsection 2a, this weakness must be understood in context. As discussed above, the agency evaluators were reasonably concerned about the protester's failure to explain how it intended to meet the requirements of PWS subsection 2a. Against that background, the fact that the protester also proposed a single individual to lead both the subsection 2a and subsection 2b efforts reasonably gave the agency additional cause for concern that the protester's technical approach may not be adequate to address the full scope of the work. That is to say, while the solicitation did not necessarily require the assignment of separate personnel for subsections 2a and 2b, given that the agency already had concerns about the adequacy of the protester's approach to subsection 2a, it was reasonable for the agency to conclude that assigning both efforts to be managed by a single full-time employee posed additional technical risk.

#### Business Management and Key Personnel

The protester also challenges two weaknesses assigned to its business management approach. Protest at 4-6. Specifically, the agency assigned weaknesses to the protester's proposal because it lacked detail about its communications plan and because of the protester's reliance on cross-training to meet surge demand. *Id.* The protester contends that in both cases the agency ignored responsive materials in its proposal or imposed unstated evaluation criteria. *Id.*

With respect to the first weakness, the agency contends that the evaluators reasonably concluded that the protester's proposal did not provide sufficient detail concerning the protester's communication strategy, and included neither an organization chart, nor a discussion of how the communications team is organized. COS/MOL at 19-20; AR, Tab B-1, TEP Report at 13. The evaluators additionally expressed concern that the proposal failed to demonstrate how the protester would engage with stakeholders in order to effectively meet the agency's requirements. *Id.* Moreover, as part of the tradeoff decision, the contracting officer noted that the protester's proposal lacked substantive details concerning their communication strategy and used general, vague language. See AR, Tab B-2, Award Determination Document at 8. In this regard, the agency argues that it was not the specific format of the protester's proposal that the agency took issue with, but rather a lack of sufficient detail. COS/MOL at 20. In response,

the protester contends that its proposal included significant information about its communication strategy, and that, in any case, the solicitation did not require an organization chart so the weakness should not have been assigned. Protest at 4-6.

Preliminarily, we find no basis to object to the agency's finding that the protester's proposal inadequately explained its communications strategy. While the protester identifies some elements in its proposal that discuss communications, we agree with the agency's finding that much of the discussion is very vague and general. See, e.g., AR, Tab C, CWS Proposal at 23 ("Our Communication Strategy centers on [DELETED] using [DELETED] for both formal and informal communication [. . .] [o]ur approach to communications drives transparency by keeping stakeholders informed and ensuring critical information is available to the right people at the right time."). For the most part, the proposal does not explain how the protester intends to communicate with stakeholders on an ongoing basis and identifies only a single point of contact. *Id.* In short, while the protester disagrees with the agency's evaluation of its communications strategy, we see no basis to question the agency's principal conclusion that the proposal lacked substantive detail concerning the protester's strategy.

Moreover, while we agree with the protester that the solicitation did not require an organizational chart, when read in context, this weakness does not reflect the application of an unstated evaluation criterion. The award determination document is clear that the protester's proposal lacked information about its communications strategy, and, as an example of the kind of information that was missing, the agency further explained that the proposal lacked any discussion of how the protester's communications team was organized, whether in tabular or narrative format. See AR, Tab B-2, Award Determination Document at 8. The reference to the organizational chart, in context, is clearly a rationally related example of how the protester might have communicated some of the missing information about its communications strategy and operations. *Id.*

Turning to the second weakness, the agency contends that the evaluators assigned a weakness to the protester's proposal because the proposal outlines an approach for addressing surges in workload that relies heavily on cross-training current employees. COS/MOL at AR, Tab B-1, TEP Report at 13. The evaluators concluded that this might limit successful performance because many of the PWS tasks require a specialized skillset. *Id.* The agency argues that the protester's proposal did not adequately explain its approach, and, in any case, the protester simply disagrees with the agency's technical judgment. COS/MOL at 22-23.

The protester challenges the agency's evaluative findings, arguing that it proposed cross-training as only the first step of a tiered response to changes in workload. Comments at 5. For example, the proposal explains that the protester would rely on cross-training to address short-term changes in requirements, but for enduring changes in requirements, it would, among other things, hire additional personnel. *Id.*

While the protester is correct that its proposal did not propose to address surge requirements only through cross-training, that observation is not inconsistent with the weakness assigned in the contemporaneous record. The evaluators did not conclude that the protester's approach to managing surge events relied exclusively on cross-training, but rather noted that the protester's approach relied *heavily* on cross-training, which is a fair characterization of the protester's proposed approach. AR, Tab B-1, TEP Report at 13. In this regard, the majority of the relevant portion of the proposal describes cross-training personnel, and then reallocating those cross-trained personnel as needed. See AR, Tab C, CWS Proposal at 22-23. Indeed, the first two steps of the protester's tiered response approach involve reallocating existing staff or adjusting the timing of the shifts of those staff, neither of which mitigates the agency's concern that cross-trained staff might lack the necessary specialized skills to address additional workload outside of their area of expertise. *Id.* While the protester may disagree with the agency's substantive assessment that its extensive reliance on cross-training posed risk to the successful accomplishment of the agency's requirements, a protester's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Vertex Aerospace, LLC*, B-417065, B-417065.2, Feb. 5, 2019, 2019 CPD ¶ 75 at 8. Accordingly, we see no basis to question the agency's technical judgment on the record before us.

#### Best-Value Tradeoff

Finally, the protester alleges that the agency did not meaningfully consider the protester's significant price advantage in conducting the best-value tradeoff. Protest at 7. Specifically, the protester claims that its proposal was priced more than \$6 million dollars below (or 22 percent less than) the awardee's proposal, but that the agency's best-value decision did not adequately document or reasonably consider the magnitude of the price difference. *Id.*; Comments at 6.

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results; cost and 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. *Booz Allen Hamilton Inc.*, B-414283, B-414283.2, Apr. 27, 2017, 2017 CPD ¶ 159 at 13-14. In reviewing protests of an agency's source selection decision, we do not reevaluate proposals but examine the record to determine whether the evaluation and source selection decision were reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Intelligent Waves LLC*, B-416169, B-416169.2, June 12, 2018, 2018 CPD ¶ 211 at 12. Further, a tradeoff analysis must be properly documented, and an award on the basis of a higher-priced proposal that is not supported by valid justification fails to comply with this requirement. See *Blue Rock Structures, Inc.*, B-293134, Feb. 6, 2004, 2004 CPD ¶ 63 at 5; *Universal Building Maintenance, Inc.*, B-282456, July 15, 1999, 99-2 CPD ¶ 32 at 4-5.

Here, the solicitation explained that the non-price factors were, when combined, significantly more important than price. RFP at 19. In this regard, the award

determination document indicated that the agency was not confident that the protester's technical or management approaches would be successful, and, by contrast, that VariQ's technical and management approaches were best suited to accomplish the requirements. See COS/MOL at AR, Tab B-2, Award Determination Document at 5, 8-9. On that basis, the agency concluded that the protester's proposal, while significantly lower-priced, posed significant technical risk that offset the price difference. *Id.* at 9. Accordingly, the agency concluded that it was "willing to pay a price premium to ensure excellent support." *Id.* The agency contends that source selection officials have significant discretion in making a best-value tradeoff, and the protester, in effect, simply disagrees with the agency's reasonable conclusions. COS/MOL at 23-25.

The protester is correct that the final tradeoff narrative itself is brief. However, that narrative was embedded in a larger document that included a lengthy discussion of the relative merits of the respective proposals and clearly acknowledges the price difference between the proposals. *Id.* That is to say, the contemporaneous record clearly reflects that the source selection authority was aware of the substantive differences between the proposals and considered them in reaching the award decision. Given the deference owed to agencies when making their selection decisions, on these facts, we see no basis to sustain the protest.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel