



Decision

Matter of: RELYANT Global, LLC

File: B-421599.9

Date: December 22, 2023

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

DIGEST

Protest challenging the agency's assessment of the relevancy of the protester's past performance is denied where the record demonstrates that the agency's evaluation was reasonable, consistent with the terms of the solicitation, and adequately documented.

DECISION

RELYANT Global, LLC, of Maryville, Tennessee, protests its failure to receive a contract award under request for proposals (RFP) No. FA4890-22-R-0021, which was issued by the Department of the Air Force to obtain various operations, logistics, and training support services. The protester argues that the agency unreasonably evaluated its past performance proposal and inadequately documented the evaluation.

We deny the protest.

BACKGROUND

The Air Force issued the RFP on January 4, 2022, seeking proposals to provide counter narcotics and global threats operations, logistics, and training support services. RFP at 118.¹ The RFP was issued under the procedures of Federal Acquisition Regulation

¹ Citations to the RFP are to the conformed version, including page numbers assigned by the agency, provided in the Agency Report (AR) as exhibit 3.

(FAR) subpart 15.3 as supplemented. *Id.* at 108. The solicitation anticipated the award of multiple indefinite-delivery, indefinite-quantity (IDIQ) contracts with a 9-year ordering period under which task and delivery orders will be issued. *Id.* at 174. The RFP sought to procure the requirements using two pools under which offerors could submit proposals. Pool 1, for operations and logistics, was assigned North American Industry Classification System (NAICS) code 561210, Facilities Support Services, and was open to large and small businesses. *Id.* at 96, 108. Pool 2, for training support, was assigned NAICS code 611430, Professional and Management Development Training, and was restricted to small business concerns. *Id.* The overall ceiling for the IDIQ contracts is \$960 million. *Id.* at 109.

This protest concerns pool 1, operations and logistics, for which Relyant submitted a proposal.

As relevant here, the solicitation's performance work statement (PWS) for pool 1, operations and logistics, states that the contractor will provide personnel, services, equipment, and construction as necessary to support start-up of a new, restart of a former, or conduct sustainment of an existing program, project, process, initiative, or directive. This includes procurement (purchase or lease) of necessary services, equipment and material that directly or indirectly support the mission and objective of a counter-narcotics operation. *Id.* at 120-121. More specifically, PWS paragraph 2.1, and its corresponding subparagraphs 2.1.1 through 2.1.7, describe the specific requirements for the required operations and logistics support services in seven categories. *Id.* at 120-122.²

The RFP contemplates that IDIQ contracts would be awarded to all offerors who are deemed qualified. *Id.* at 108. A qualifying offeror is defined as an offeror who is determined to be responsive and responsible in accordance with FAR section 9.104-1 and who, based upon the results of an integrated assessment of proposals, receives a "substantial confidence" assessment rating in past performance and an "acceptable" rating in technical capability. *Id.* Although the source selection includes an integrated assessment, the RFP stated that the utilized evaluation methodology is not a tradeoff since cost/price would not be evaluated. *Id.*

Offerors were advised that proposals would be evaluated based on two factors: past performance; and technical capability (comprised of three subfactors). *Id.* at 110. Under the evaluation criteria, the past performance factor (the only factor at issue here) was more important than the technical capability factor. *Id.* at 108. Technical capability would be evaluated as acceptable or unacceptable on the subfactor and factor level. *Id.* at 112. Cost/price would not be evaluated; rather, cost/price will be evaluated for each

² The contracting officer outlined the seven specific PWS categories and the abbreviated phrase used to refer to each subparagraph category in her Contracting Officer's Statement (COS). COS at 6-7 *citing*, RFP at 121-122. We use the abbreviated phrases in this decision.

individual task or delivery order. *Id.* at 111. Offerors were instructed to submit separate past performance and technical capability proposal volumes. *Id.* at 98.

The RFP stated that the evaluation process would begin with the evaluation of proposals under the past performance factor within the proposed NAICS pool. *Id.* at 110. For purposes of this evaluation, the solicitation stated that offeror includes any joint ventures, subcontractors or teaming partners proposed as part of the prime offeror's team. *Id.* at 111. The RFP required offerors to submit past performance information (PPI) sheets for at least three, but no more than five, contract references.³ *Id.* at 99. Additionally, offerors were instructed to submit a PPI narrative that included precise factual details describing how each contract reference, for itself or team member, is relevant either individually, or in the aggregate, in demonstrating the offeror's ability to perform the full range of PWS requirements for the proposed NAICS pool. *Id.* at 100, 111. The agency would evaluate the offeror's recent, relevant, and quality of performance based on information in the contract references submitted by the offeror, past performance questionnaires (PPQs), and data independently obtained from other government sources such as the contracting performance assessment reporting system. *Id.* at 100-101.

According to the RFP, each submitted contract reference would be assigned a relevancy rating of either very relevant, relevant, somewhat relevant, or not relevant and the "greater the similarities in scope, magnitude, and complexity of the referenced effort" to the solicited requirements, "the higher the relevancy score for that reference." *Id.* at 111. The relevancy rating definitions were as follows: (1) very relevant--effort involved essentially the same scope and magnitude of effort and complexities the solicitation requires; (2) relevant--effort involved similar scope and magnitude of effort and complexities the solicitation requires; (3) somewhat relevant--effort involved some of the scope and magnitude of effort and complexities the solicitation requires; and (4) not relevant--effort involved little or none of the scope and magnitude of effort and complexities the solicitation requires. *Id.*

The agency then would assess the offerors' quality of performance on recent and relevant contracts, and assign a confidence assessment of substantial confidence, satisfactory confidence, neutral confidence, limited confidence, or no confidence. *Id.* at 111-112. As relevant to the protest, the confidence assessments assigned were substantial confidence--the government has a high expectation that the offeror will successfully perform the required effort; and satisfactory confidence--the government has a reasonable expectation that the offeror will successfully perform the required effort. *Id.* at 111.

Next, upon completion of the past performance evaluation, only those proposals assigned a past performance rating of substantial confidence would be evaluated under

³ The solicitation directed offerors to submit PPIs on contracts considered most relevant in demonstrating the offeror's ability to perform counter narcotics operations, logistics and training support services. RFP at 99.

the technical capability factor. *Id.* at 110. Finally, an IDIQ contract would be awarded to each offeror whose proposal received a past performance rating of substantial confidence and a technical capability rating of acceptable. *Id.*

The Air Force received 41 timely proposals, including one from Relyant, for pool 1, operations and logistics. COS at 8. Relyant submitted a total of five past performance contract references: three for itself, one for Bizzell Corporation (Bizzell), one of its proposed subcontractors, and one for Xator Corporation (Xator), another proposed subcontractor. The submitted PPIs were: (1) PPI for Relyant, as the prime providing design and construction services of a new entry control point vehicle scanner facility at Bagram Airfield in Afghanistan; (2) PPI for Relyant, as the prime providing construction and training task order services to refurbish C-130 hangars and building aircraft parts storage areas under the Africa Peacekeeping Program IDIQ contract; (3) PPI for Relyant, as the prime providing apron crack repair and sealing apron electrical grounding and tie-downs for A-29 aircrafts under the A-29 Beddown Critical Facilities Package contract; (4) PPI for Bizzell, as the prime advising, coaching, and mentoring tactical units under the Intelligence Surveillance Reconnaissance Mobile Advisory Team contract; and (5) PPI for Xator, as the prime providing task order services to design, integrate, and install security systems under the Overseas Security Installation Services contract. AR Exh. 5, Relyant Past Performance Proposal at 5-10; 15-18.

The agency evaluated each contract reference submitted by Relyant and rated each as recent. AR Exh. 10, Source Selection Evaluation Board (SSEB) Final Report at 723. In assessing the relevancy of each contract reference, the agency concluded that PPI Nos. 1, 2, and 3 were relevant; PPI No. 4 was somewhat relevant, and PPI No. 5 was not relevant. *Id.* The agency performed a quality assessment of Relyant's and its subcontractor's performance, excluding PPI No. 5 (rated as not relevant), from available CPAR reports and PPQs, which ranged from satisfactory to exceptional. Based on Relyant's evaluated past performance record, the agency assigned its proposal a past performance rating of satisfactory confidence. *Id.* at 735-736. Consistent with the terms of the solicitation, since Relyant received a past performance rating of less than substantial confidence, its proposal was not eligible for award. *Id.* at 736. The agency subsequently made award to eight offerors whose proposals were assigned a past performance rating of substantial confidence and a technical capability rating of acceptable.⁴

After receiving a debriefing, Relyant filed an initial post-award protest with our Office challenging the evaluation of its proposal, which was docketed as B-421599.5, Apr. 12, 2023. We subsequently dismissed the protest as academic after the Air Force advised

⁴ The awardees are: Next Evolution Logistics Solutions, of Durham, New Hampshire; Resicum International, LLC, of Warrenton, Virginia; Cambridge International Systems, Inc., of Arlington, Virginia; Culmen International, LLC, of Alexandria, Virginia; Fluor Intercontinental, Inc., of Greenville, South Carolina; Patriot Group International, Inc., of Warrenton, Virginia; PAE Applied Technologies, LLC, of Arlington, Virginia; and Obera LLC, of Herndon, Virginia. AR Exh. 14, Unsuccessful Offeror Letter at 1.

it would reevaluate Relyant's proposal and make a new award decision. *Relyant Global, LLC*, B-421599.5, May 22, 2023 (nondigested decision).

After reevaluating proposals, the agency reaffirmed its initial evaluation of Relyant's proposal under the past performance factor. AR Exh. 12, Source Selection Decision Document Addendum at 11. On September 18, the Air Force informed Relyant that its past performance ratings remained the same and its overall confidence rating remained satisfactory confidence, and, therefore, it was not a qualifying offeror eligible for award. *Id.*, Exh. 14, Unsuccessful Offeror Letter at 2. Relyant received another debriefing and this protest followed.

DISCUSSION

Relyant challenges several aspects of the agency's evaluation of its past performance references, arguing that the agency should have assigned its proposal a substantial confidence rating.

In support of its contention, the protester claims that the agency unreasonably downgraded the relevancy ratings assigned to PPI Nos. 4 and 5 because the agency found that those references failed to sufficiently demonstrate relevant experience with several of the PWS's specific tasks. Protest at 10.⁵ According to Relyant, the agency's evaluation failed to consider the aggregate of its five past performance references despite a solicitation requirement for the agency to do so. *Id.* at 10-11. In this regard, the RFP provided in relevant part:

Offerors shall describe how each reference is relevant (individually and/or in aggregate) in demonstrating the ability to perform the full range of (counter-narcotics) services capabilities IAW [in accordance with] ID/IQ PWS requirements for the NAICS code being proposed . . . Include precise factual detail to support the offeror's opinions of relevance, but note that the Government is not bound by the offeror's opinions of relevance.

RFP at 100.

In the protester's view, since the solicitation did not require any one past performance reference to address all seven PWS categories, Relyant complains that the agency did not properly evaluate its submitted references (three rated as relevant, one as somewhat relevant, and one not relevant) in the aggregate, as required. Comments at 2. The protester contends that had the agency evaluated its past performance references consistent with the solicitation's evaluation criteria, it would have assigned Relyant's proposal a past performance rating of substantial confidence.

⁵ References herein to the protest are to the Adobe pdf page numbers.

The agency responds that its past performance evaluation was reasonable and consistent with the terms of the solicitation noting, that in assessing relevancy, the solicitation provided for the evaluation of PPIs on an individual and aggregate basis. The agency further responds that the evaluation record demonstrates that Relyant failed to adequately address how its PPIs aligned with the seven PWS requirements resulting in relevancy ratings that were insufficient to support an assessment rating of substantial confidence. Memorandum of Law (MOL) at 6-7 *citing* AR Exh. 10, SSEB Final Report at 723-736.

The evaluation of an offeror's past performance, including the agency's determination of the relevance and scope of an offeror's performance history, is within the discretion of the contracting agency which we will not find improper unless the agency's assessments are unreasonable or inconsistent with the solicitation's evaluation criteria. *See, e.g., Sterling Medical Assocs., Inc.*, B-418674, B-418674.2, July 23, 2020, 2020 CPD ¶ 255 at 8; *CSR, Inc.*, B-413973, B-413973.2, Jan. 13, 2017, 2017 CPD ¶ 64 at 5. Where a protester challenges an agency's past performance evaluation, we will review the evaluation to determine if it was reasonable and consistent with the solicitation's evaluation criteria, procurement statutes and regulations, and to ensure that the agency's rationale is adequately documented. *Linchpin Solutions, Inc.*, B-419564, May 10, 2021, 2021 CPD ¶ 200 at 4; *D&G Support Services, LLC*, B-419245, B-419245.3, Jan. 6, 2021, 2021 CPD ¶ 15 at 8.

Here, we have reviewed the agency's evaluation record and find no basis to question the reasonableness of its past performance evaluation. As noted above, the stated evaluation scheme contemplated that a relevancy determination will be made for each of the recent submitted contracts and the greater the similarities in scope, magnitude, and complexity of the contract references to the requirements of this solicitation, the higher the relevancy score for that reference. *See* RFP at 111. Additionally, the agency would consider the offeror's detailed explanation of how the combination of all submitted references meets the relevancy criteria. *See id.* at 100. As the evaluation record indicates, each contract reference submitted by Relyant was evaluated individually for relevancy and the agency then performed an integrated assessment of Relyant's past performance record in the aggregate to assign an assessment rating of satisfactory confidence. COS at 22-23; MOL at 21-23. In this regard, the agency determined that:

All submitted references were assessed as RECENT. The Government also considered how the references were relevant, individually and/or in aggregate, in demonstrating the ability to perform the full range of CN [counter narcotics] services capabilities IAW IDIQ PWS requirements for the NAICS code being proposed against.

In the aggregate of the PPIs, not all areas of the PWS were sufficiently covered. PWS areas sufficiently addressed include 2.1.2 [maintenance and refurbishment], 2.1.4 [lifecycle management], 2.1.5 [incidental

training], 2.1.6 [construction], and 2.1.7 [mission operations]. PWS areas not sufficiently addressed include 2.1.1 [equipment acquisition] and 2.1.3 [movement of personnel and equipment]. Based on an integrated evaluation of the offeror's past performance record, considering recency, relevancy, and quality in accordance with the provisions of the RFP and PWS, the Government has a reasonable expectation that the offeror will successfully perform the required effort. Therefore, the Government assigns a Satisfactory Confidence rating for Factor 1, Past Performance.

AR Exh. 10, SSEB Final Report at 735, 736.

On this record we find that, consistent with the terms of the solicitation, the agency evaluated the protester's past performance references on an individual and aggregate basis. As such, the agency reasonably concluded that the government had a reasonable expectation that the protester could successfully perform the solicited operations and logistics services and warranted an assessment rating of satisfactory confidence. Relyant's disagreement with the agency's judgment does not establish that the evaluation was unreasonable or not consistent with the solicitation's past performance evaluation factor.⁶ See *FN Mfg., LLC*, B-402059.4, B-402059.5, Mar. 22, 2010, 2010 CPD ¶ 104 at 7. Consequently, this ground of protest is denied.

In addition to challenging the Air Force's aggregate assessment of the relevancy of its past performance, Relyant also alleges that the agency's evaluation of its subcontractors' past performance references PPI No. 4, rated somewhat relevant, and PPI No. 5, rated not relevant, was unreasonable.⁷ See *generally*, Protest at 9-11;

⁶ Relyant also argues that the agency "penalized" the firm for submitting PPI No. 4 and PPI No. 5 that related only to specific PWS performance areas despite the above-quoted solicitation clause that past performance would be evaluated based on "a *combination* of all submitted references" and that offerors could submit references "individually and/or in aggregate" to demonstrate their ability to perform the full range of the solicited PWS requirements. Protest at 10. As set forth above, however, the record does not support this assertion. The lower relevancy ratings for PPI Nos. 4 and 5 did not result in a lowering of the agency's overall confidence assessment; rather, the protester received a satisfactory confidence rating because its references, in the aggregate, failed to demonstrate sufficient relevant past performance with two of the seven performance areas.

⁷ Relyant also initially challenged the relevancy ratings assigned to PPI Nos. 1, 2, and 3, asserting that its prior performance under these three contract references demonstrated, in the aggregate, very relevant past performance. Protest at 10-11. In its report on the protest, the agency provided a detailed analysis explaining why it determined that PPI Nos. 1, 2, and 3 did not adequately demonstrate relevant performance in all areas of the PWS to warrant very relevant ratings or otherwise warrant an overall substantial confidence rating. COS at 10-16; MOL at 7-14. In its comments, Relyant did not substantively respond or otherwise rebut the agency's

(continued...)

Comments at 2-4. In support of its position, the protester points to the agency's response to its debriefing questions Nos. 6 and 7, in which the Air Force essentially indicated that PPI Nos. 4 and 5 "were both evaluated against a non-existent requirement to cover all seven PWS elements within each individual PPI." Comments at 2; *see also*, AR Exh. 16, Government Responses to RELYANT Global's Debriefing Questions and Answers Nos. 6 and 7 at 5-6. In other words, the protester suggests that the agency's failure to consider PPI Nos. 4 and 5 to be relevant contract references evidences the application of an unstated evaluation consideration.

As explained above, the past performance factor explicitly contemplated consideration of the scope, magnitude, and complexities of past performance references to the solicited PWS requirements. RFP at 111. We find reasonable the agency's evaluation that PPI No. 4 was only somewhat relevant where the scope of the contract reference involved performing only some of the operations and logistics services being solicited. For example, in evaluating PPI No. 4, Bizzell's ISRMAT contract, the evaluators explained that:

The PPI did not demonstrate the full scope of Operations and Logistics tasks overall. Some of the PPI spoke in generalized terms of [Bizzell's] efforts under the task order and in other areas muddled the distinction between the responsibilities of the Government agency and the work actually performed by [Bizzell] under the effort described in the PPI. The PPI did not sufficiently cover PWS paragraphs 2.1.1 [equipment acquisition], 2.1.2 [maintenance and refurbishment], 2.1.3 [movement of personnel and equipment], 2.1.4 [lifecycle management], 2.1.5 [incidental training], 2.1.6 [construction], and 2.1.7 [mission operations]. Based on this comparison of the PPI to the requirements of the PWS, the PPI involved some of the scope and magnitude of effort and complexities this solicitation requires because it showed some elements of the current PWS requirements. Therefore, this PPI was assigned a rating of Somewhat Relevant.

AR Exh. 10, SSEB Final Report at 732.⁸

specific response to these arguments; therefore, we consider the protester to have abandoned its objections to the relevancy ratings assigned to PPI Nos. 1, 2, and 3. *See, e.g., Yang Enterprises, Inc.*, B-415923, Mar. 12, 2018, 2018 CPD ¶ 109 at 2; *Trajen, Inc.; Maytag Aircraft Corp.*, B-296334 *et al.*, July 29, 2005, 2005 CPD ¶ 153 at 4 n.3.

⁸ Although Relyant generally argues that this reference supports its prior experience with PWS task 2.1.3, movement of personnel and equipment, it fails to substantively rebut the agency's finding that its proposal did not provide sufficient details with respect to such efforts. AR Exh. 10, SSEB Final Report at 732. Further, the protester does not otherwise allege that any of its other cited references demonstrate with sufficient detail relevant experience relating to this task, as found by the agency. *See id.* at 724,

(continued...)

Similarly, we also find no basis to object to the evaluation of PPI No. 5 as not relevant where the scope of the contract reference involved performing little or none of the operations and logistics services being solicited. As the evaluation record indicates, the agency noted that “[i]n reviewing the PPI, the Government observed little of the scope, magnitude, and complexities of the current effort, based on the PWS provisions.” AR Exh. 10, SSEB Final Report at 734. The agency further noted:

According to the PPI, [Xator] designs, integrates, and installs security systems for all 285 U.S. overseas diplomatic missions (relating to PWS 2.1.1); however, this is very high-level information with no additional details provided to evaluate the level of work performed. The PPI stated that specific work includes design, installation, integration, upgrade, logistics support, and maintenance of planned and contingency technical security projects . . . however, this is mostly a restatement of the PWS requirements and very high-level information with no additional details provided to evaluate the level of work performed. No other information or accomplishments for this effort were documented in the PPI summary.

Id. at 734-735.⁹

Although Relyant contends that the agency improperly penalized the protester for submitting certain references that related only to specific PWS performance areas, we find that the agency provided reasonable explanations, which are consistent with the contemporaneous record, for its assignment of relevancy ratings to Relyant’s past performance references including PPI Nos. 4 and 5 because, as discussed above, the references either involved some or none of the pool 1 operations and logistics requirements. Ultimately, we again conclude that the protester’s arguments largely amount to disagreement with the agency’s evaluation judgments, and a protester’s

727-28, 729, 735. In a negotiated procurement, 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 a meaningful review by the agency. *Applied Visual Tech., Inc.*, B-401804.3, Aug. 21, 2015, 2015 CPD ¶ 261 at 3; *ARBEiT, LLC*, B-411049, Apr. 27, 2015, 2015 CPD ¶ 146 at 4.

⁹ Although Relyant generally argues that this reference supports its prior experience with PWS task 2.1.1, equipment acquisition, it fails to substantively rebut the agency’s finding that the proposal did not provide sufficient details with respect to such efforts. AR Exh. 10, SSEB Final Report at 735. Further, the protester does not otherwise allege that any of its other cited references demonstrate with sufficient detail relevant experience relating to this task, as found by the agency. See *id.* at 724, 727, 730, 732. As discussed above, it was incumbent on Relyant to provide the required detail in its proposal. *Applied Visual Tech., Inc.*, *supra*; *ARBEiT, LLC*, *supra*.

disagreement with an agency's judgment is not sufficient to establish that the agency acted unreasonably.¹⁰ See *FN Mfg., LLC*, B-402059.4, B-402059.5, *supra*.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

¹⁰ Finally, we find no merit to Relyant's claim that the agency inadequately documented its evaluation of Relyant's proposal under the past performance factor as the agency's report exhaustively documents the reevaluation of Relyant's proposal.