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# Decision

**Matter of:** Jacobs Technology, Inc.

**File:** B-422040

**Date:** January 4, 2024

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## DIGEST

1. Protest that agency unreasonably evaluated protester's technical proposal is denied where evaluation was reasonable and consistent with the solicitation.
  2. Protest that agency failed to hold meaningful discussions with protester is denied where evaluation notices led protester into the areas of its proposal with which the agency had concerns.
  3. In making best-value tradeoff determination, the agency is not required to quantify benefits of selecting higher-priced, higher technically rated proposal.
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## DECISION

Jacobs Technology, Inc., of Tullahoma, Tennessee, protests the award of a contract to InDyne, Inc., of Lexington Park, Maryland, under request for proposals (RFP) No. W91RUS-22-R-0082, issued by the Department of the Army for support services for the Electronic Proving Ground (EPG) at Fort Huachuca, Arizona. Jacobs alleges that the Army unreasonably evaluated its proposal and failed to hold meaningful discussions. Jacobs also challenges the agency's best-value tradeoff decision.

We deny the protest.

## BACKGROUND

The EPG is an authorized major range and test facility base whose primary mission is to design and implement testing of command, control, communications, computers, intelligence, surveillance, and reconnaissance systems and equipment. The agency issued the solicitation on November 1, 2022, for proposals to support the EPG's mission areas by providing operations, planning, execution, and cost estimating required for testing missions. The solicitation anticipates the award of a cost-plus-award-fee indefinite-delivery, indefinite-quantity contract for a 1-year base period and four 1-year option periods. Agency Report (AR), Tab 6, RFP at 224.

The RFP contemplated award of the contract on a best-value tradeoff basis considering the following factors: mission support, staffing approach, financial system, past performance, small business, and cost. *Id.* The mission support factor had three subfactors, sample work breakdown structure (WBS) performance work statement (PWS), phase-in, and property management; the staffing approach factor had two subfactors, staffing approach and structure, and recruitment and retention; and the financial system factor had one subfactor, financial system capability. *Id.* The RFP provided that the mission support factor was more important than the financial systems factor and slightly more important than the staffing factor. The mission support, staffing, and financial system factors were all significantly more important than the past performance, small business, and cost factors. The past performance and small business factors were of equal importance, and all non-cost factors, when combined, were significantly more important than cost. *Id.* The subfactors within each factor were considered to be of equal importance. *Id.*

The agency received four proposals on the November 30 due date for receipt of proposals, including the proposals from Jacobs and InDyne. Contracting Officer's Statement (COS) at 2. The source selection evaluation board (SSEB) evaluated the initial proposals, and all four offerors were included in the competitive range, participated in discussions, and submitted final proposal revisions (FPRs). The SSEB evaluated the FPRs and the source selection advisory council (SSAC) reviewed the SSEB evaluations. The FPRs of Jacobs and InDyne were rated as follows:

Factor	Jacobs	InDyne
<b>MISSION SUPPORT</b>	Acceptable	Acceptable
Sample WBS PWS	Acceptable	Acceptable
Phase-In	Good	Good
Property Management	Pass	Pass
<b>STAFFING APPROACH</b>	Acceptable	Outstanding
Staffing Approach and Structure	Acceptable	Outstanding
Retention and Recruitment	Good	Outstanding
<b>FINANCIAL SYSTEM</b>	Acceptable	Outstanding
Financial System Capability	Acceptable	Outstanding
<b>PAST PERFORMANCE</b>		
Relevancy	Very	Very
Confidence	Substantial	Substantial
<b>SMALL BUSINESS PARTICIPATION</b>	Acceptable	Acceptable
<b>COST</b>	\$115,836,653.	\$152,888,900.

AR, Tab 58, Source Selection Decision Document (SSDD) at 1.<sup>1</sup>

The SSA conducted a price-technical tradeoff and selected InDyne’s proposal as offering the best value to the government. Jacobs filed this protest with our office following a debriefing.

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<sup>1</sup> Following discussions, the SSEB rated Jacobs’s FPR good overall for the staffing approach factor and InDyne’s FPR good for the staffing approach and structure subfactor. The SSAC reduced Jacob’s good overall rating to acceptable for the staffing approach factor and raised InDyne’s rating for the staffing approach and structure subfactor to outstanding. AR, Tab 58, SSDD at 1. The SSA accepted these revisions. *Id* at 3. While Jacobs complains that the record does not explain these changes, the SSAC report set forth the rationale for each adjustment. See AR, Tab 57, SSAC Report at 8. In any case, the SSA did not base the award decision on the technical ratings. Jacobs therefore was not competitively prejudiced by the change in ratings. See *ICI Services Corp.*, B-418255.5, B-418255.6, Oct. 13, 2021, 2021 CPD ¶ 342 at 11. (GAO will not sustain a protest unless a protester demonstrates competitive prejudice, that is, but for the agency’s actions, it would have a substantial chance of receiving award).

## DISCUSSION

Jacobs protests that the agency unreasonably assigned its proposal two weaknesses in its technical evaluation-- one under the sample WBS PWS subfactor, and one under the staffing approach and structure subfactor. Jacobs also protests that the agency engaged in discussions with Jacobs that were not meaningful. Finally, Jacobs challenges the best-value tradeoff decision. We find no merit to these allegations and deny the protest.<sup>2</sup>

### Technical Evaluation

#### Sample WBS PWS

Under the sample WBS PWS subfactor, the solicitation provided a fictional test for a new tactical radio that represented requirements that offerors could be requested to perform under the contract. RFP at 208. The sample called for electromagnetic emissions and susceptibility, environmental, and open-air field tests at the EPG's test facilities and test ranges. The WBS PWS identified six tasks and required deliverables. AR, Tab 37, Sample WBS PWS. The Offeror was required to demonstrate a clear understanding of the work to be performed, propose an effective solution capable of performing the requirements, and present an appropriate mix of labor categories and hours. RFP at 208. The solicitation advised offerors that the agency would evaluate, among other things, "the extent to which the requirements of the sample WBS PWS have been considered, understood, and satisfied; the extent to which the approach demonstrates a clear understanding of all considerations involved in meeting the requirements and addressing problems presented" and whether the labor categories and man-hours identified by the offeror provided personnel with the proper levels of expertise. *Id.* at 225-26.

The SSEB assigned a weakness to Jacobs's initial proposal under this subfactor because it determined that Jacobs proposed labor categories that were not appropriate for the described testing situation. Specifically, Jacobs proposed [DELETED] reliability, availability, and maintainability (RAM) lead, [DELETED] test-incident report (TIR) writers, and [DELETED] security guards which the SSEB viewed as unnecessary to perform the sample task. AR, Tab 50, Initial SSEB Report at 18. The SSEB found that in proposing inappropriate personnel Jacobs demonstrated a lack of understanding of the work to be performed. *Id.*

During discussions the agency sent Jacobs an evaluation notice (EN) requesting Jacobs provide its rationale for proposing [DELETED] RAM lead, TIR writers, and security guards. AR, Tab 53, Discussion Letter; AR, Tab 54, Jacobs's ENs at 1. In its FPR Jacobs did not remove any of the positions. Instead, Jacobs explained that unless

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<sup>2</sup> The protester raises several collateral arguments not addressed in this decision. While we do not discuss them in the decision, we have considered each of them and conclude that none of them provides a basis to sustain the protest.

otherwise indicated in the PWS, a RAM lead and TIR writers are standard in EPG test planning for these types of tests, and since the sample WBS PWS did not specifically state that no RAM data would be required, it included [DELETED] RAM lead and [DELETED] TIR writers. AR, Tab 55, Jacobs's Response to ENs at 5. Jacobs offered to remove these positions from the proposal if the agency believed they were not needed. With respect to the [DELETED] guards, Jacobs explained that because the site was remote with limited security, the guards were needed to keep the equipment secure. Jacobs offered to remove the guards from its proposal if the government would be providing security. *Id.*

The SSEB reviewed Jacobs's FPR and confirmed the weakness, again noting that "[s]election of non-required labor categories continues to demonstrate a lack of full understanding of the work to be performed in the PWS." AR, Tab 56, SSEB FPR Evaluation at 33. The SSAC reviewed the evaluation results and concurred with the evaluation. AR, Tab 57, SSAC Evaluation at 5.

Jacobs protests that the Army unreasonably concluded that Jacob's proposed use of [DELETED] RAM lead, [DELETED] TIR writers, and [DELETED] security guards was unnecessary and excessive. Jacobs asserts that the solicitation calls for personnel to fill the RAM lead and TIR writer roles. According to Jacobs, PWS section C-2.6.2, test planning, execution, and reporting which is the general overview paragraph for subsection C-2.6.2 of the PWS, requires a RAM team to identify system anomalies, failures, report errors, and explain system performance while tests are in execution. See RFP at 32-33. The RAM team is comprised of [DELETED] RAM lead to provide oversight and TIR writers to prepare test incident reports. *Id.* Jacobs further asserts that the sample WBS PWS expressly required reports for daily logs, significant events, or test design factors that differ from the original test plan and argues that this suggests the need for a RAM team. AR, Tab 37, Sample WBS PWS at 3. Jacobs asserts that security guards are needed to keep equipment secure.

When reviewing a protest challenging an agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency's discretion. Rather, we will review the record to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. *AECOM Management Services, Inc.*, B-417639.2, B-417639.3, Sept. 16, 2019, 2019 CPD ¶ 322 at 9. A protester's disagreement, without more, does not provide a basis for us to conclude that an evaluation was unreasonable. See *DynCorp International, LLC*, B-412451, B-412451.2, Feb. 16, 2016, 2016 CPD ¶ 75 at 5.

As the Army explains, Jacobs is relying on PWS section C-2.6.2, which is the general overview test support section in the PWS that describes in broad terms the range of testing services a contractor may be tasked to perform on behalf of different EPG directorates. Agency Resp. to Req. for Additional Briefing, Nov. 17, 2023, at 3. The Army further explains that performing RAM functions involves the collection of specific

data elements such as operating time and down times due to troubleshooting of failures, each of which would be documented in test incident reports. *Id.* RAM is an explicit test service that would be requested by a customer and explicitly stated in the sample problem if it was required. *Id.* The Army disputes that RAM data collection and technical incident report writers are a normal compliment of personnel for this type of testing and asserts that they are not needed for the sample WBS PWS as neither RAM data nor test-incident reports are required deliverables. COS at 13; Memorandum of Law (MOL) at 25. To the extent the protester asserts that the sample WBS PWS expressly required reports for daily logs, significant events, or test design factors that differ from the original test plan, the Army notes that the WBS PWS required these reports for the open-air field test (OAFT) and OAFT-threat, which the sample WBS PWS does not indicate include RAM data. *Id.*

Jacobs does not meaningfully contest the Army's explanation that RAM is an explicit test service that involves the collection of specific data elements, nor point to anything in the sample WBS PWS that requires collection of RAM data elements. Further, Jacobs has not demonstrated that RAM data is collected in performing the required testing. We therefore find that the agency reasonably assigned a weakness to Jacobs's proposal for proposing unnecessary personnel. In this regard, the agency evaluated responses to the sample WBS PWS to determine the extent to which offerors' approaches demonstrated a clear understanding of all considerations involved in meeting the requirements and addressing problems presented. Here, we find the agency reasonably concluded that Jacobs's inclusion of certain unnecessary personnel demonstrated that the protester did not have a full understanding of the requirements of the sample WBS PWS.<sup>3</sup>

With respect to the security guards, Jacobs asserts that the RFP requires the contractor to safeguard all government information and property provided for contractor use and specifically requires the contractor to implement physical security measures to mitigate the risk of unauthorized access, vandalism, pilferage, larceny, and arson. Protest at 11 n.3 citing PWS C.2-11.4.17. Jacobs asserts that the guards were needed not only for the new tactical radios (NTRs), but also for other potential equipment that may be left on site including instrumentation, threat systems, vehicles, and generators. The protester asserts that in any case it is unreasonable for the Army to assess a weakness to Jacobs's proposal for using guards to secure equipment.

We find that the Army reasonably included Jacobs's proposed use of [DELETED] security guards in the sample problem in the same assigned weakness. As the Army explains, because the testing involves portable NTRs, there would be no assets or

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<sup>3</sup> Jacobs asserts that it was not required to provide the optimal solution that the agency had in mind and that its approach was one potential solution. While this is true, the agency did not find that Jacobs's solution was unacceptable, and in fact rated the protester's solution acceptable under this factor. There is nothing unreasonable in the agency concluding that Jacobs's approach, which included the proposed use of unnecessary personnel, was a weakness.

people remaining at the testing site during non-testing hours requiring the use of guards. The Army notes that the NTRs and instrumentation could be transported back to the installation at the end of the day given their size and portability. The Army further responds that the threat system and generators are transported on pickup trucks and easily removed and assembled at the start and end of each day. Agency Resp. to GAO Req. for Additional Explanation, Nov. 29, 2023, at 2. The Army agrees that Jacobs's approach is one way of providing security but asserts that since the sample WBS PWS does not require evening activities or test personnel to stay overnight in the testing area, including [DELETED] security guards is an unnecessary and ineffective solution. In sum, the protester's disagreement does not provide a basis for us to conclude that the agency's evaluation was unreasonable.<sup>4</sup>

We find that the Army reasonably assigned the weakness to Jacobs's proposal for excessive and unnecessary personnel--[DELETED] RAM lead, the [DELETED] TIR writers, and the [DELETED] security guards.

### Staffing Approach and Structure

As stated, Jacobs challenges the Army's assignment of a weakness under the staffing approach and structure subfactor. Under this subfactor, offerors were informed that the agency would evaluate, among other things, the offeror's proposed job descriptions and labor categories to meet the requirements of the general PWS. RFP at 226-27.

In evaluating Jacobs's initial proposal, the SSEB noted that Jacobs reduced several senior positions to junior positions (hardware/software program developer, cyber security analyst, database administrator, field engineer; information assurance security specialist and spectrum analyst) as the contract proceeded from the base year to the option years without any rationale for the change. The SSEB referred this issue to the cost evaluation team who confirmed the change in personnel levels. AR Tab 51, Cost Eval. at 17. During discussions Jacobs was asked to provide the rationale for the changes in personnel levels, or to correct the discrepancy. AR Tab 54, Jacobs ENs at 2.

In response, Jacobs explained:

Several of our senior positions . . . are scheduled to retire in coming years. . . . [O]ur strategy for replacing these individuals is to train junior

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<sup>4</sup> Jacobs complains that the solicitation did not indicate the size of the equipment that would be used for testing, thus leaving it to the offeror to guess what security measures might be appropriate. Agency Resp. to GAO Req. for Additional Explanation, Nov. 29, 2023, at 3. In our view, the agency reasonably concluded that knowing the type of equipment that was needed for testing is an indication of the offeror's understanding of the requirement.

personnel to effectively replace them without reducing quality. We accomplish this by [DELETED] well before a predicted retirement. We recognize that in special cases, a shop may need a Senior or SME [subject matter expert] to start a new program or phase of a program. However, this level of knowledge is usually not required for sustaining operations. In cases where a senior SME is not required, Jacobs will replace senior personnel with junior personnel. In all cases, Jacobs is committed to fulfilling requirements with high quality execution while keeping costs under control.

AR, Tab 55, Jacobs Resp. to ENs at 9.

The SSEB reviewed the response and assigned the proposal a weakness. The SSEB was concerned because it was unclear how [DELETED] would equate to years of specialized experience. AR, Tab 56, SSEB at 37. The SSEB also stated that it was unclear how Jacobs would assign a senior-level employee or subject matter expert in the event Jacobs recognized that one might be needed to start a new program or phase of a program to replace someone who was leaving. *Id.* The SSAC agreed with the SSEB's evaluation. AR, Tab 57, SSAC Evaluation at 9.

Jacobs protests that the agency unreasonably assigned this weakness to its proposal. According to Jacobs, only one position that it proposed--the [DELETED] --was reduced from a senior level to a junior level position. Jacobs explains that another of the senior level positions--the [DELETED] was being replaced by an intermediate level employee, not a junior level employee. Jacobs notes that the remaining positions the Army identified were intermediate--not senior--level positions, being replaced by junior level positions. Jacobs complains that the agency has not explained how the risks of replacing [DELETED] senior level person with a junior level person and another with an intermediate level person or replacing [DELETED] intermediate level positions with junior level positions, resulted in a weakness.

We find that the agency reasonably assigned a weakness to Jacobs's proposal for reducing several positions from higher level, more experienced professionals to lower level, less experienced professionals. We note that while only [DELETED] position was reduced from a senior to a junior-level position, all the positions the Army was concerned with were reduced from a higher-level position to a lower-level position (senior to junior, senior to intermediate, or intermediate to junior).<sup>5</sup> Jacobs has not provided any information which

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<sup>5</sup> Although Jacobs argues that the agency inaccurately referred to Jacobs replacing senior-level personnel with junior-level personnel, Jacobs was aware that the Army's concern was generally with reducing personnel from higher-level to junior-level personnel. Specifically, the EN informed Jacobs, "[y]ou reduce several Sr. positions to  
(continued...)



indicates that the agency's concerns--[DELETED] do not substitute for years of experience, or that Jacobs did not explain where needed senior level or subject matter experts would come if needed-- were unreasonable. Jacobs instead simply disagrees with the agency which is not a basis for our Office to conclude that the evaluation was unreasonable.

## Discussions

Jacobs protests that the agency failed to engage in meaningful discussions with Jacobs regarding these two weaknesses. Jacobs argues that the ENs provided by the agency failed to accurately identify the agency's actual concerns with Jacobs's proposal.

As a general matter, discussions, when conducted, must be meaningful--that is, they must identify deficiencies and significant weaknesses that exist in an offeror's proposal--but that requirement is satisfied when an agency leads an offeror into the areas of its proposal that require amplification or revision. See, e.g., *Epsilon Systems Solutions, Inc.*, B-409720, B-409720.2, July 21, 2014, 2014 CPD ¶ 230 at 16. In this regard, we have repeatedly noted that an agency is not obligated to "spoon-feed" an offeror as to the particular manner in which each item could be revised. See, e.g., *ITT Industries. Space Systems, LLC*, B-309964, B-309964.2, Nov. 9, 2007, 2007 CPD ¶ 217 at 12; *OMV Medical, Inc.*, B-281490, Feb. 16, 1999, 99-1 CPD ¶ 38 at 7. Moreover, an agency is generally not required to afford an offeror multiple opportunities to cure a weakness remaining in a proposal that previously was the subject of discussions. *Delfasco, LLC*, B-409514.3, Mar. 2, 2015, 2016 CPD ¶ 192 at 7.

With respect to the weakness assigned under the sample WBS PWS subfactor, as noted above the Army asked Jacobs to provide a rationale for including [DELETED] RAM lead, [DELETED] TIR writers, and [DELETED] security guards. AR, Tab 54, Jacobs ENs at 1. Jacobs complains that the evaluation notice did not specifically point out that the positions were not necessary, which was the agency's actual concern.

The cover letter accompanying the ENs sent to Jacobs specifically provided that the ENs identified "areas of concern" that the agency had with Jacobs's proposal. AR, Tab 53, Jacobs Discussion Letter at 1. The EN specifically asked the protester to provide a rationale for including [DELETED] RAM lead, [DELETED] TIR writers, and [DELETED] guards. AR, Tab 54, Jacobs ENs at 1. Based on this record, we find that

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Jr. positions . . . with no rationale in the technical narrative" and listed the six positions with which the Army was concerned. Thus, Jacobs knew from the EN which positions concerned the agency and was therefore on notice that not all of the positions entailed reducing senior-level personnel to junior-level personnel. Nevertheless, in its response to the EN Jacobs did not point out that all the positions described were not senior positions reduced to junior positions. In fact, Jacobs stated, "our strategy for replacing these individuals is to train junior personnel to effectively replace them" and "[i]n cases where a senior SME is not required, Jacobs will replace senior personnel with junior personnel." AR, Tab 55, Jacobs Resp. to ENs at 8, 9.

these statements identified to Jacobs the agency's area of concern--namely that Jacobs had not justified the use of these personnel--and therefore met the agency's responsibility to hold meaningful discussions. In this regard, we note that in its response to the EN Jacobs stated that it would remove the positions if the Army wished it to do so, indicating that Jacobs had some understanding that the agency thought the positions might be unnecessary. The agency was not obligated to specifically inform Jacobs as to the particular manner in which this concern should be addressed. See, e.g., *ITT Industries Space Systems, LLC, supra* at 12. Jacobs also complains that the agency did not respond to Jacobs's offer to remove the positions from its proposal. However, the agency was not required to reply or to afford Jacobs another opportunity to cure a weakness remaining in its proposal that previously was the subject of discussions. *Delfasco, LLC, supra* at 7.

Jacobs raises a similar argument with respect to the weakness the agency assigned to the firm's proposal for reducing the experience levels of certain employees, asserting that the agency did not reveal its true concern that [DELETED] does not equate to years of specialized experience. For this EN, the agency asked Jacobs to "provide a rationale for these reductions or, alternatively, correct the discrepancy." AR, Tab 54, Jacobs ENs at 2. The agency's interpretation of Jacobs's proposed approach as a discrepancy indicated that the agency thought there was a problem with this approach that needed to be fixed. Based on our review of the record, we find that this met the agency's obligation to lead Jacobs into the area of its proposal with which the agency was concerned.<sup>6</sup>

### Best-value Tradeoff

Jacobs protests that the agency failed to reasonably justify the award to InDyne at a \$37 million price premium. According to Jacobs, the tradeoff is unreasonable because the agency did not quantify the benefits of InDyne's proposal, or the performance risk attendant to the two weaknesses in Jacobs's proposal.

In a best-value tradeoff procurement such as this, it is the function of the selection official to perform a price/technical tradeoff, that is, to determine whether one proposal's technical superiority is worth the higher price; the extent to which one is sacrificed for the other is governed only by the test of rationality and consistency with the stated evaluation criteria. *Enterprise Services, LLC, B-415517, Jan. 18, 2018, 2018 CPD ¶ 83* at 16.

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<sup>6</sup> Jacobs also complains that the agency provided the EN under the cost evaluation concerns, not the technical evaluation concerns. As the agency's question specifically raised the agency's concern with the changes in personnel levels, we find no basis to find that the agency failed to meaningfully address the matter because it was listed with the cost ENs. See *AdvanceMed Corp., B-415360 et al., Dec. 19, 2017, 2018 CPD ¶ 4* at 8, 10.

Where, as here, a solicitation states that technical factors are more important than cost in determining the best value, selecting a technically superior, higher-cost proposal is proper where the agency reasonably concludes that the cost premium is justified in light of the proposal's technical superiority. *Id.* The rationale for an agency's source-selection decision must be documented, but that documentation need not quantify the tradeoffs that led to the decision. *Id.* Rather, the documentation need only be sufficient to establish that the agency was aware of the relative merits and costs of the competing proposals and that the source selection was reasonably based. *ASRC Research & Tech. Sols., LLC*, B-406164, Feb. 14, 2012, 2012 CPD ¶ 72 at 4. Our review of an agency's cost/technical trade-off decisions is limited to determining whether the tradeoff was reasonable and consistent with the RFP's evaluation criteria. *Mayfield Gov't Inspections*, B-414528, June 13, 2017, 2017 CPD ¶ 189 at 6.

We find no basis to question the tradeoff decision here. The record shows that the SSA reviewed the evaluations of Jacobs's and InDyne's proposals conducted by the SSEB and the SSAC and concurred with the results. AR, Tab 58, SSDD at 3. The SSA specifically considered that given the risks to the mission presented by the staffing approach in Jacobs's proposal, the "far superior" financial system offered by InDyne, and the significantly higher importance attached to the non-cost factors over the cost factor, InDyne's superior proposal justified the cost premium. *Id.* at 6. Contrary to Jacobs's assertions, there is no need for extensive documentation of every consideration factored into a tradeoff decision. *ASRC Research & Tech. Sols., LLC, supra*. Nor is the agency required to quantify the risks and benefits that it considers in its tradeoff decision. See *Enterprise Services LLC, supra*, at 15. Moreover, the record shows that the agency documented its comparison of the awardee's and protester's proposals and identified the discriminators between the two. AR, Tab 58, SSDD at 4, 6. Based on this record, we find that the agency's best-value tradeoff was reasonable, documented, and consistent with the solicitation.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel