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## Decision

**Matter of:** AnaVation LLC

**File:** B-421966; B-421966.2; B-421966.3

**Date:** December 19, 2023

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Christian M. Butler, Esq., Department of Homeland Security, for the agency.  
Samantha S. Lee, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

1. Protests that agency unreasonably evaluated proposals are denied where evaluation was consistent with the stated evaluation criteria.
  2. Evaluation of awardee's key personnel was proper where agency reasonably determined that resumes of awardee's proposed personnel demonstrated compliance with solicitation's minimum qualifications.
  3. Protest that agency unreasonably evaluated staffing approaches is denied where the protester has not demonstrated that the agency was obligated to consider the awardee's performance of different task order in its evaluation under this solicitation.
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### DECISION

AnaVation LLC, of Reston, Virginia, protests the issuance of a task order to Deloitte Consulting LLP of Arlington, Virginia by the Department of Homeland Security (DHS) under request for task order proposals (RFTOP) No. 70QS0223R00003063, for mission solutions and data operations support to provide information technology (IT) services for technical project management support and the technology development of products. The protester challenges the agency's evaluation of proposals and resulting source selection decision.

We deny the protest.

## BACKGROUND

On July 25, 2023, using the procedures of Federal Acquisition Regulation (FAR) subpart 16.5, DHS issued the solicitation to holders of the agency's Services, Technology, Engineering, and Management (STEAM) indefinite-delivery, indefinite-quantity (IDIQ) multiple award contract. Agency Report (AR), Tab B.2, Attach. 1, RFTOP at 2.<sup>1</sup> The RFTOP sought proposals for "technical project management and technical expertise to develop and operationalize data applications, analytics, services and to build artificial intelligence and machine learning capabilities for the DHS Intelligence Enterprise," using government classified and unclassified platforms. *Id.* at 6.

The RFTOP anticipated issuance of a single time-and-materials task order on a best-value tradeoff basis, considering price and the following non-price factors: (1) technical; and (2) management.<sup>2</sup> *Id.* at 42. The technical factor was more important than the management factor, and the two non-price factors combined were significantly more important than price. *Id.* As relevant here, the technical factor was to be evaluated based on an oral presentation addressing three scenarios provided in the RFTOP. *Id.* at 20-21. The management factor required offerors to identify nine key personnel and submit an explanation of their proposed approaches to providing and maintaining key personnel and other staff members. *Id.* at 30-32.

The solicitation set forth a two-phase source selection process. In phase 1, the agency would evaluate the two non-price factors. *Id.* at 35. After the phase 1 evaluation, the agency would issue advisory "down-select" notifications to each offeror. Firms receiving notice that they were among the most highly rated offerors would be advised to proceed to phase 2, the price evaluation.<sup>3</sup> *Id.*

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<sup>1</sup> The RFTOP was amended once. Contracting Officer's Statement (COS) at 2. Citations to the RFTOP are to the amended version of the solicitation. All citations to the record are to the documents' Adobe PDF pagination.

<sup>2</sup> The RFTOP identified two non-price evaluation factors (with some variation in wording) as "Technical and Staff Management Approach (Oral Presentation)" as "Factor 1: Sub-Factors 1.1, 1.2, and 1.3" and "Staffing and Management Approach – including Key Personnel" as "Factor 1: Subfactor 1.4," and assigned adjectival confidence ratings to each. RFTOP at 42. For ease, we refer to them simply as the technical and management factors in this decision. Each non-price factor would be evaluated and assigned one of three possible confidence ratings: high, some, or low. *Id.* at 45.

<sup>3</sup> Offerors that "were not among the most highly rated" would be advised that they were "unlikely to be viable competitors, along with the general basis for that opinion." RFTOP at 35. The advisement was a recommendation only, and offerors were permitted to choose whether to proceed to the next phase of the evaluation, regardless of the nature of the agency's advisory notice. *Id.*

The agency received four phase 1 proposals by the August 2, deadline. COS at 4. Following the oral presentations and evaluation, DHS advised two offerors, including AnaVation, that they were not among the most highly rated and advised not to proceed to phase 2. COS at 5. Two offerors, including Deloitte, were notified that they were among the most highly rated. *Id.* All four offerors elected to proceed to phase 2. *Id.* Phase 2 proposals were due by August 17. *Id.* The agency subsequently evaluated the protester's and awardee's proposals as follows:

	AnaVation	Deloitte
Technical	Some Confidence	High Confidence
Management	Some Confidence	High Confidence
Price	\$182,312,445	\$222,299,459

AR, Tab E.1, Fair Opportunity Decision Document (FODD) at 33. Based on the evaluation results and a comparative assessment of proposals, the source selection official selected Deloitte's proposal for award. *Id.* at 33-36. The agency issued the task order to Deloitte on August 30. COS at 6. AnaVation filed this protest with our Office on September 12, 2023.<sup>4</sup>

## DISCUSSION

AnaVation challenges multiple aspects of the evaluation of the awardee's proposal, as well as its own proposal. The protester contests each of the agency's criticisms of AnaVation's proposal under the technical factor. 1st Supp. Protest at 5-12; Comments & 2nd Supp. Protest at 3-11. AnaVation also challenges the agency's evaluation under the management factor, asserting that Deloitte's proposed key personnel failed to meet the solicitation's minimum experience requirements and that the agency's evaluation of the offerors' staffing approaches was unreasonable and unequal. Comments & 2nd Supp. Protest at 12-18; Supp. Comments at 2-13. Finally, AnaVation contends that these errors in the underlying evaluation rendered the agency's source selection decision unreasonable.<sup>5</sup> Protest at 7-10; 1st Supp. Protest at 14-15; Comments & 2nd Supp. Protest at 18.

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<sup>4</sup> The value of the protested task order exceeds \$10 million. Accordingly, this protest is within our jurisdiction to hear protests of task orders placed under civilian agency IDIQ contracts. 41 U.S.C. § 4106(f)(1)(B).

<sup>5</sup> The protester also alleged the agency failed to eliminate or mitigate an improper and unfair preference to award to Deloitte. 1st Supp. Protest at 13-14. Prior to the submission of the agency report, DHS requested we dismiss this allegation as untimely. Our Bid Protest Regulations contain strict rules for the timely submission of protests. 4 C.F.R. § 21.2. These rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. *Verizon Wireless*, B-406854, B-406854.2, Sept. 17, 2012, 2012 CPD ¶ 260 at 4. Such a rule promotes fundamental  
(continued...)

In filing and pursuing this protest, AnaVation has made arguments that are in addition to, or variations of, those discussed below. We have considered all of the protester's arguments and, while we do not address them all, none provides any basis on which to sustain the protest.

#### Technical Evaluation

AnaVation contests the agency's evaluation of its proposal under the technical factor, challenging each one of the five findings that the agency identified as having "lowered the expectation of success" for that factor. 1st Supp. Protest at 5-12; Comments & 2nd Supp. Protest at 3-11. DHS counters each of the protester's arguments, defending the agency's findings as reasonable, evenhanded, and consistent with the solicitation. Memorandum of Law (MOL) at 5-8.

This task order competition was conducted pursuant to FAR part 16. Under these provisions, the evaluation of proposals, including the determination of the relative merits of proposals, is primarily a matter within the contracting agency's discretion, because

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fairness in the competitive process by preventing an offeror from taking advantage of the government as well as other offerors, by waiting silently only to spring forward with an alleged defect in an effort to restart the procurement process, potentially armed with increased knowledge of its competitors' position or information. *Adams & Assocs., Inc.*, B-417120, B-417125, Jan. 16, 2019, 2019 CPD ¶ 21 at 3. Similarly, our timeliness rules do not allow a protester to wait to raise a fundamental flaw with the procurement process until after an award decision has been made. Rather, such issues must be protested early on, specifically, before the closing date for the receipt of proposals. *Id.*

Here, AnaVation's argument essentially alleged bias on the part of the agency's Missions Solutions Division (MSD), contending that MSD leadership attempted to contract with Deloitte without competition and, in June 2023, stated a desire for the agency to issue this task order to Deloitte. Notice of Partial Dismissal at 2. After AnaVation raised these concerns with the contracting office for this task order, the agency stated that MSD would not be involved in the task order competition. Despite the agency's assurance that MSD personnel would not be involved in the competition, AnaVation identified MSD personnel on the team evaluating the oral presentations in phase 1. 1st Supp. Protest at 13-14. The protester, thus, knew that MSD was involved in the task order competition at AnaVation's oral presentation on August 9. In other words, AnaVation knew the basis for its protest after phase 1 proposals were due, but before the August 17 due date for phase 2 proposals. Notice of Partial Dismissal at 2. AnaVation's argument amounted to a post-award protest that challenged the heart of the underlying ground rules by which the competition was conducted. As such, to be timely, the allegation had to be raised prior to the deadline for receipt of phase 2 proposals. *Id.* at 2-3; *Adams & Assocs., Inc., supra* at 3 (dismissing post-award protest allegations alleging bias on the part of the agency as untimely challenges to the ground rules of the competition). Accordingly, we dismissed the allegation.

the agency is responsible for defining its needs and the best method of accommodating them. *CSRA LLC*, B-417635 *et al.*, Sept. 11, 2019, 2019 CPD ¶ 341 at 9. In reviewing protests challenging the evaluation of an offeror's proposal, it is not our role to reevaluate proposals; rather, our Office examines the record to determine whether the agency's judgment was reasonable and in accordance with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *Mission Essential, LLC*, B-418767, Aug. 31, 2020, 2020 CPD ¶ 281 at 5; *Distributed Sols., Inc.*, B-416394, Aug. 13, 2018, 2018 CPD ¶ 279 at 4. A protester's disagreement with the agency's judgment, without more, is not sufficient to establish an agency acted unreasonably. *CSRA LLC, supra*.

As a representative example of the protester's arguments, we discuss the agency's findings with respect to AnaVation's response to scenario No. 3 of the RFTOP. For the technical factor, the solicitation provided three scenarios for the offerors to address in their oral presentations. RFTOP at 20-21. Scenario No. 3 was "[DELETED] Application Enhancement," which provided, among other things:

In this scenario, the Office of Intelligence and Analysis (I&A) desires to enhance the [DELETED] application, originally built to automate the [DELETED] data for which analytic tradecraft and analyst knowledge could not previously be used to [DELETED] for review prior to [DELETED]. The Homeland Identities, Targeting, and Exploitation Center built [DELETED] to facilitate that work by [DELETED]. I&A requires key improvements and enhancements to [DELETED].

*Id.* at 26. The RFTOP then listed the expected enhancements, including, for example, "automating integration with the [DELETED] as well as supporting the review of [DELETED]." *Id.* Offerors were to describe their "experience and approach to enhancing and optimizing the [DELETED] application" by addressing eight elements (or subfactors) identified as (a) to (h), including, as relevant here:

a) Describe the Offeror's experience and approach to modernizing the TS [Top Secret] data Hub or similar capability supporting a Chief Data Officer (CDO) organization or equivalent. Explain what role the Offeror played, logistics considerations/constraints, skillsets and experience levels required, the process you used to compose your recommendations, the deliverables that you were responsible for in this context, and the operational outcomes that resulted from such modernization of a data hub--or similar capability--located on the top-secret fabric.

b) Describe the Offeror's role throughout the aforementioned modernization in the program/project; or scope of work; experience in working with each of the enabling functions (i.e., Cloud, [Information Technology] Security, Policy) across multiple, simultaneous programs; level of expertise; as well as skillsets provided.

c) Describe the maturity level of the organization at the time the Offeror began work, and how that impacted your approach to the work. Provide any maturity improvements for which the Offeror was responsible or to which the Offeror was a major contributor. Describe how this was measured and the Offeror's level of success.

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e) Describe the offeror's approach to staff management for this scenario.

*Id.* at 26-29.

The evaluators observed that AnaVation "provided [a] proposal for overhaul of [the] existing system versus improvements to the existing MVP [minimum viable product]," noting that there "were insufficient details in the response to subfactors a, b, c, and e, such as incorporating FQA [Federated Query Analytic] results into profile ranking, supporting the interagency deconfliction process, etc." AR, Tab D.1, Technical Evaluation Team (TET) Consensus Report at 12. The TET found this lowered the agency's expectation of success for AnaVation's approach. *Id.*

The protester asserts that this finding was unreasonable "because AnaVation's proposal made it clear that it proposed **enhancements** to the existing system, **not an 'overhaul'** of the system." 1st Supp. Protest at 10. Quoting proposal language that referred to "enhancing and optimizing," AnaVation denies that its "proposal suggests or could reasonably be interpreted" as an overhaul. *Id.* at 10-11. DHS responds that AnaVation's protest argument is overly focused on the word "overhaul," but "the TET perceived AnaVation to propose a particularly broad set of improvements." MOL at 6. Further, the agency contends that AnaVation "fails to engage with the real crux of the finding: the proposal's lack of detail regarding four of the listed evaluation elements under" the scenario. *Id.*

Our review of the record finds the agency's evaluation to be unobjectionable. While the record supports AnaVation's assertion that the firm did not use the word "overhaul" in its proposal, the agency has explained that its concern was with AnaVation's "broad set of improvements," proposed without detail, specifically with respect to the four identified subfactors (a, b, c, and e). AnaVation's protest and comments to the agency report have provided only disagreement with the agency's assessment, without addressing--or even disputing--the element of the agency's finding regarding the lack of detail in AnaVation's response to the subfactors. Such disagreement, without more, fails to establish that the evaluation was unreasonable or otherwise inconsistent with the RFTOP. See *DEI Consulting*, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2.

## Management Evaluation

The protester also challenges the agency's evaluation of proposals under the management factor. AnaVation principally challenges the evaluation of Deloitte's key personnel, as well the evaluation of staffing approaches proposed by both offerors.

### Key Personnel

First, the protester objects to the agency's evaluation of Deloitte's key personnel. AnaVation argues that DHS should have found Deloitte's proposal unacceptable under the management factor because three proposed key personnel did not meet the solicitation's minimum requirements. Comments & 2nd Supp. Protest at 13-18; Supp. Comments at 2-10. The agency defends that it reasonably found Deloitte's proposed key personnel met the education and experience requirements in the solicitation. Supp. MOL at 1-4.

The solicitation identified nine roles as key personnel positions and required offerors to submit resumes for the individuals proposed to fill these positions. RFTOP at 30. Key personnel were required to possess credentials that aligned to the labor category descriptions set forth in the STEAM IDIQ contract, "Attachment J-4A Labor Category Descriptions." *Id.* Relevant here, four of the key personnel positions were for "Program Manager/Technical Lead – Program Manager/Technical Lead - Level 5," (PM/TL 5). *Id.*

The STEAM IDIQ contract sets forth education and experience requirements by labor category level. AR, Tab B.1, Attachment J-4A at 1. For a level 5 labor category, an individual must have a degree and additional years of experience:

Educational Degree from an Accredited Institute in an Area Applicable to the Position	Minimum Years of Relevant Experience in Addition to Education Level
High School Diploma/GED	12
Associates Degree	10
Bachelor's Degree	8
Master's Degree	6
Doctoral	4

*Id.* These requirements "assume[] that the educational degree held by the individual is relevant to the position . . . meaning that, for example, a master's degree in Anthropology would not qualify as the educational achievement needed for a labor category supporting web applications development." *Id.* The requirement further provides, however, that if a candidate does not have a relevant degree, the candidate must offer years of relevant experience corresponding to the possession of a non-relevant degree, (8 years for doctoral, 6 years for master's, 4 years for bachelor's, and 2 years for an associate's degree) in addition to the years of experience needed for a relevant degree. *Id.* For example, a candidate with a non-relevant master's degree in anthropology proposed for a web applications development role would require the 6

minimum years of relevant experience identified in the parenthetical above plus an additional 6 years of relevant experience required for a relevant degree identified in the chart above for a total of 12 years of experience. See *id.*

AnaVation contends that three of Deloitte's proposed PM/TL 5 key personnel do not meet the education and experience requirements above, because their degrees are not "relevant to the PM/TL position." Comments & 2nd Supp. Protest at 16-18. Deloitte's proposal provided uniform resumes for each of the key person proposed. Relevant here, the resumes identified the areas of the performance work statement (PWS) for which the proposed PM/TL 5 would perform, and under the "J-4A Compliance" section of each resume, Deloitte described the qualifications of each of the proposed PM/TL 5s. AR, Tab C.2, Deloitte Phase I Proposal Vol. III at 27, 30, 45. In summary, the resumes provided the following qualifications for the three individuals:<sup>6</sup>

- X, to perform the duties of PWS ¶¶ 3.4, 3.6 (Technical Requirements Team and Data Analytics, Application Development and User Interfaces): "Exceeds requirement w/ 12+ years relevant experience (6 years min. required) and MBA [Masters of Business Administration], MS, and BS degrees" based on "MBA, [DELETED]; MS, Industrial Engineering, [DELETED]; BS, Mechanical Engineering, [DELETED]."
- Y, to perform the duties of PWS ¶¶ 3.6, 3.13 (Data Analytics, Application Development and User Interfaces and Zero Trust Data Services): "Exceeds req. w/ 11+ years relevant exp. (6 years min. required) and MBA and BS degrees related to project management" based on "MBA, [DELETED]; BS, Business Administration, [DELETED]."
- Z, to perform the duties of PWS ¶ 3.15 (Intelligence Data Environment for Analytics (IDEA)): "Exceeds requirement w/9+ years relevant experience (8 years min. required) and a BA degree" based on "BA, International Relations, [DELETED]; Relevant to understand concerns of stakeholders to devise effective, timely solutions."

*Id.*; AR, Tab B.2, Attach. 2, PWS at 22-25, 29-40, 63-72. According to the protester, degrees in industrial engineering, business administration, and international relations are not relevant to the respective positions, so these individuals should have been treated as if they had only a high school diploma and were, therefore, required to have 12 years of relevant experience.<sup>7</sup> Comments & 2nd Supp. Protest at 16-18. To make this argument, the protester contends that, because the PWS advises that "[i]t is desired

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<sup>6</sup> We refer to the individuals as X, Y, and Z rather than by name in this decision.

<sup>7</sup> With respect to X, the protester argues that "even though Deloitte contends that [X] has '12+' years of relevant experience," her work "had nothing to do with the relevant areas for which [X] was proposed under" this task order. Comments & 2nd Supp. Protest at 17.



that the PM/TL have” a “Bachelor’s degree in Information Technology, Computer Science, Information Systems, Project Management, or related field,” only those degrees in those fields are “relevant” to the identified positions. *Id.* at 13-14 (quoting PWS at 76).

Here, the record shows that the agency reasonably reviewed the resumes for the key PM/TL 5 positions and determined that the degrees of each proposed individual were in fields relevant to their roles. The agency explains that “[i]n conducting its consensus deliberations, the TET did consider whether academic degrees possessed by key personnel candidates were in a relevant field in the course of determining whether the candidates possessed the required level of experience.” Supp. MOL at 2 (citing AR, Tab A.7, TET Lead Supp. Statement). Specifically, the TET found that X’s and Y’s MBAs were relevant to project management, and Z’s degree in international relations was relevant to his role, because “it is a degree often sought and attained by Intelligence Community professionals,” and would “enable him to understand the needs” of the customer in delivering IDEA, which “is intended to support a variety of intelligence missions and use cases.”<sup>8</sup> AR, Tab A.7, TET Lead Supp. Statement at 1-3. The agency denies that the PWS’s description of a “desired” degree limited the agency’s discretion to make judgments regarding what academic degree was relevant to the role under the labor category requirements. Supp. MOL at 3-4.

Our review of the record finds nothing in the PWS or RFTOP that mandated offerors propose only individual with the PWS’s “desired” academic degrees, when identifying their key PM/TL 5 positions. In this regard, the RFTOP did not require offerors link or cross-walk proposed key personnel degree requirements to the PWS “desired” degree definitions. Rather, the solicitation simply required the agency to evaluate whether the resumes met the minimum STEAM IDIQ contract requirements. RFTOP at 41.

As discussed above, the agency considered all the information in the candidate’s resume and reasonably concluded that the individuals’ degrees were in fields relevant to their roles. The protester has not demonstrated that such a finding was unreasonable or contrary to the solicitation. See *TekSnap Corp.; Candor Sols., LLC*,

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<sup>8</sup> AnaVation contends that our Office should disregard this explanation as “*post hoc*.” Supp. Comments at 4. Our decisions, however, consistently have explained that we will not limit our review to contemporaneous evidence, but also will consider post-protest explanations that provide a detailed rationale for contemporaneous conclusions, and simply fill in previously unrecorded details, when those explanations are credible and consistent with the contemporaneous record. *Windstream Commc’ns*, B-409928, Sept. 9, 2014, 2014 CPD ¶ 271 at 4-5 n.5. The agency explains that the TET’s relevancy determinations were made contemporaneously but “were not documented in the TET’s consensus report” because the key personnel qualifications did not result in a finding of “raises expectation of success” or “lowers expectation of success.” Supp. MOL at 2. Here, we find the agency’s post-protest explanation to be consistent with the contemporaneous record and note that it provides additional details regarding the evaluators’ findings and conclusions.

B-420856 *et al.*, Oct. 6, 2022, 2022 CPD ¶ 254 at 7 (denying protest of awardee's proposed program manager did not meet solicitation's education requirements where agency reasonably found degree was relevant to role). In sum, AnaVation has not shown that the agency's evaluation under the key personnel factor was improper or otherwise objectionable.

### Staffing Approach

Next, the protester challenges the evaluation of offerors' staffing approach. With respect to Deloitte's proposal, AnaVation alleges the agency unreasonably assigned a "high confidence" rating to the awardee's proposal when, according to AnaVation, the agency was aware of "Deloitte's consistent failure to meet staffing requirements under [the first STEAM task order], which require essentially the same skillsets and experience that will be required under" this task order. 1st Supp. Protest at 12; Comments & 2nd Supp. Protest at 12-13. DHS defends its evaluation as reasonable and evenhanded. MOL at 8-9.

Here, the solicitation required the agency to evaluate each offeror's proposed staffing and management approach to assess its level of confidence that the offeror understood the requirements, proposed a sound approach, and would successfully perform the task order. RFTOP at 45. This would include evaluation of the "specific approach to establish and maintain 90 [percent] of all project full-time equivalent (FTE) staff throughout the period of performance[.]" *Id.*

The record demonstrates that the agency reviewed AnaVation's proposed staffing and management approach and found that the firm outlined an approach--based on the processes and procedures that allowed AnaVation to successfully transition another contract effort and maintain a 97 percent employee retention rate over the past year--that would "enable [AnaVation] to establish and maintain at least 90 [percent] of FTEs." AR, Tab D.1, Technical Evaluation Report at 16. The agency ultimately assigned a rating of "some confidence" to AnaVation's proposal under the management factor based, in part, on this finding. AR, Tab E.1, FODD at 23. For Deloitte, the agency documented its rationale for finding a rating of "high confidence" under the same factor based on, among other things, Deloitte's staffing approach to onboard staff from another contract Deloitte performed for DHS and "maintain 90 [percent] of FTEs through skills-based delivery pools." AR, Tab D.1, Technical Evaluation Report at 15.

AnaVation argues that the agency "disparately evaluated Deloitte's and AnaVation's historical staffing performance." Comments & 2nd Supp. Protest at 12. According to AnaVation, Deloitte has struggled to meet the staffing requirement of the first task order under the STEAM IDIQ contract, which should have "call[ed] into question Deloitte's plan and ability to identify, attract, and retain the type of highly-qualified and technically oriented staff necessary to perform the type of work contemplated under the STEAM IDIQ contract," generally, and this new task order specifically. *Id.* According to the protester, because the agency "assigned strengths based on AnaVation's prior staffing successes," the agency was obligated to evaluate AnaVation more favorably and

Deloitte less favorably under the management factor. *Id.* In essence, the protester asserts the solicitation required the agency to consider Deloitte's past performance in the evaluation of the awardee's proposed staffing and management approach.

In this regard, AnaVation argues the agency unreasonably ignored Deloitte's staffing issues with performance on the first STEAM task order. We note, however, that the protester does not meaningfully demonstrate that any aspect of Deloitte's proposed staffing approach for this task order failed to meet the requirements of the solicitation. Notably, the protester does not point to--and our review of the solicitation does not reveal--any requirement that the agency consider past performance information when evaluating proposed staffing plans under the management factor. In the absence of such a solicitation provision, we see no obligation on the agency to consider past performance information in the evaluation of proposals under the management factor. *AB Int'l Servs., LLC*, B-419727.3, Mar. 21, 2023, 2023 CPD ¶ 79 at 10-11.

AnaVation maintains that the agency "was obligated to consider its actual knowledge of Deloitte's chronic staffing failures" under the other STEAM task order because it was direct evidence that Deloitte would not be able to meet this task order's 90 percent staffing requirement. Comments & 2nd Supp. Protest at 12. Our Office has found, in certain circumstances, an agency may not accept at face value a proposal's promise to meet a material requirement where there is significant countervailing evidence reasonably known to the agency that should create doubt as to whether the offeror will or can comply with that requirement. See *Fidelis Logistic and Supply Servs.*, B-414445, B-414445.2, May 17, 2017, 2017 CPD ¶ 150 at 7.

While the protester has proffered facts about recent performance issues by Deloitte on the first STEAM task order, AnaVation has not established how such issues prohibited the agency from positively evaluating Deloitte's staffing approach for this task order--which the protester concedes differs from the approach of the first STEAM task order. Comments & 2nd Supp. Protest at 13 (acknowledging that Deloitte proposed a different staffing approach based on "lessons learned from its Task Order 1 experience"). Consequently, we find AnaVation has not demonstrated that the evaluators' alleged "personal knowledge" of Deloitte's staffing challenges constitutes significant countervailing evidence that Deloitte will offer a successful staffing plan here. See *AB Int'l Servs., LLC, supra* at 11 n.10 (denying protest argument that agency failed to consider "recent assessment reports" regarding the awardee's quality management). In short, AnaVation has not shown that the agency's evaluation of the offerors' staffing approaches were inconsistent with the stated evaluation criteria or otherwise unreasonable. Accordingly, we deny this ground of protest.

#### Award Decision

Finally, AnaVation argues that the agency's source selection decision was flawed because of the flaws in the underlying evaluation. 1st Supp. Protest at 14-15; Comments & 2nd Supp. Protest at 18. This challenge is derivative of the protester's above-denied challenges to the underlying evaluation. As we find no basis to object to

the underlying evaluation that resulted in competitive prejudice to the protester, we dismiss this argument because derivative allegations do not establish an independent basis of protest. *DirectViz Sols., LLC*, B-417565.3, B-417565.4, Oct. 25, 2019, 2019 CPD ¶ 372 at 9.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel