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Decision

Matter of: Guidehouse Inc.

File: B-421227.2; B-421227.3

Date: August 26, 2024

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DIGEST

1. Protest alleging that the agency unreasonably evaluated the awardee's technical proposal is sustained where the record does not reflect that the agency evaluated a required staffing submission consistent with the solicitation.
 2. Protests challenging the agency's evaluation of strengths in the protester's technical and management proposals are denied where the record reflects the evaluation was reasonable and consistent with the solicitation's evaluation criteria.
 3. Protest that the agency unreasonably concluded that the protester's proposed program manager did not meet the requirements for the position is sustained where the stated basis for the agency's conclusion is inconsistent with the solicitation and the protester's proposal.
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DECISION

Guidehouse Inc., of McLean, Virginia, protests the award of a contract to KPMG LLP, of McLean, Virginia, under solicitation No. 2021-20111300002S, issued by the Office of the Director of National Intelligence (ODNI) for advisory services. The protester alleges that the agency improperly evaluated proposals and made an unreasonable best-value tradeoff decision.

We sustain the protest.

BACKGROUND

The Director of National Intelligence is responsible for developing and executing the National Intelligence Program (NIP), the funding source for national level intelligence activities. Contracting Officer's Statement (COS) at 1.¹ Within ODNI, the Intelligence Community (IC) Chief Financial Officer's (CFO) duties and responsibilities are primarily to assist the Director with the NIP. Agency Report (AR), Exh. 6, Statement of Work (SOW) at 5.

On November 10, 2021, the agency, using the procedures of Federal Acquisition Regulation (FAR) part 15, issued the solicitation to support the IC CFO with an acquisition referred to as "Treasure Trove." COS at 1; AR, Exh. 5, Request for Proposals (RFP) Section M at 1. The RFP sought proposals to provide a range of advisory services and support to improve the processes and capabilities surrounding the development, defense, execution, reporting, and process analysis of activities required to develop the NIP submission to the Office of Management and Budget and Congress. SOW at 5. The contractor would also be tasked with identifying opportunities for improvement of IC financial management and audit readiness. *Id.* at 5.

The solicitation provided for award of a single hybrid cost-plus-award-fee/level-of-effort contract with a 1-year base period of performance and nine 1-year options. AR, Exh. 4, RFP Section L at 1-2. On September 23, 2022, the agency awarded the contract to Deloitte and Touche, LLP, and Guidehouse filed a protest with our Office challenging the award. COS at 3; *Guidehouse, LLP*, B-421227, Nov. 15, 2022 (unpublished decision). The agency subsequently notified our Office of its intent to take corrective action by releasing a new solicitation, providing offerors with anonymized evaluated cost information, accepting new proposals, evaluating submitted proposals, and making a new award decision. *Guidehouse, LLP*, B-421227, *supra*. Accordingly, we dismissed the protest as academic. *Id.*

On February 3, 2023, the agency issued a revised version of the solicitation in RFP amendment 4. COS at 1; AR, Exh. 2, RFP Cover Letter. The solicitation provided for award to be made on a best-value tradeoff basis and established the following evaluation factors and subfactors, listed in descending order of importance:

- 1: Technical
 - 1.1: Technical approach
 - 1.2: Advisory services scenario
 - 1.3: Technical understanding
- 2: Management
 - 2.1: Key personnel
 - 2.2: Program management plan

¹ All citations to the record are to the documents' Adobe PDF pagination.

- 2.3: Transition plan
- 2.4: Staffing and resource plan
- 3: Past performance
 - 3.1: Program management
 - 3.2: Technical training and expertise development
 - 3.3: Cost control and schedule
- 4: Security
- 5: Cost

AR, Exh. 5, RFP Section M at 2-6. The technical factor was significantly more important than the management factor, which was slightly more important than past performance.² *Id.* at 2. The non-cost factors, when combined, were more important than cost. *Id.* at 3.

The agency received five proposals by the February 22 deadline for receipt of proposals. COS at 3. The agency summarized its evaluation of proposals as follows:

	Guidehouse	KPMG
TECHNICAL	VERY GOOD	EXCEPTIONAL
Technical approach	Very Good	Exceptional
Advisory support scenario	Acceptable	Acceptable
Technical understanding	Very Good	Exceptional
MANAGEMENT	ACCEPTABLE	VERY GOOD
Key personnel	Marginal	Exceptional
Program management plan	Acceptable	Acceptable
Transition plan	Very Good	Very Good
Staffing and resource plan	Acceptable	Acceptable
PAST PERFORMANCE	MODERATE	SIGNIFICANT
Program management	Moderate	Significant
Technical training and expertise development	Significant	Significant
Cost control and schedule	Moderate	Moderate
SECURITY	PASS	PASS
Cost	\$29,382,335	\$53,027,362

COS at 10-11. The source selection authority (SSA) concluded that KPMG’s highest-rated, highest-priced proposal represented the best value. AR, Exh. 58, Source Selection Decision Memorandum at 25. On April 30, 2024, the agency notified offerors that the agency had awarded the contract to KPMG. COS at 11. This protest followed.

² The technical and management factors were evaluated using adjectival ratings. See, e.g., AR, Exh. 54, Technical and Management Evaluation Report at 64. Past performance would be assigned a confidence rating. AR, Exh. 5, RFP Section M at 4. The security factor would only be evaluated on a pass/fail basis. *Id.* at 5-6.

DISCUSSION

Guidehouse raises multiple challenges to the conduct of the acquisition.³ First, Guidehouse argues that the agency unreasonably evaluated technical proposals, failing to penalize KPMG for departing from the solicitation's requirements and to credit adequately the advantages offered in Guidehouse's proposal. Protest at 14-23; Comments & Supp. Protest at 4-8. Second, the protester argues that ODNI unreasonably evaluated management proposals, assigning an unreasonable weakness associated with Guidehouse's proposed program manager and failing to assign more strengths to Guidehouse's approach.⁴ Protest at 8-11, 23-27. Finally, Guidehouse asserts that the agency unreasonably conducted the tradeoff analysis, and improperly made the selection decision. Comments and Supp. Protest at 20.

³ In its protest, Guidehouse argued that the agency unreasonably evaluated the protester's past performance proposal. Protest at 27-31. Guidehouse later withdrew this allegation. Comments & Supp. Protest at 4 n.1.

⁴ Guidehouse also initially argued that KPMG's proposal was technically unacceptable because it lacked an available candidate for the required key personnel position, program manager--either failing to submit a resume or submitting a resume for a person it did not intend to provide. See Protest at 11-14. Prior to the submission of the agency report, the intervenor requested dismissal of the argument because it was speculative and failed to state a valid basis of protest. Req. for Dismissal at 1-3.

Our Bid Protest Regulations, 4 C.F.R. § 21.1(c)(4) and (f), require that a protest include a detailed statement of the legal and factual grounds for the protest, and that the grounds stated be legally sufficient. These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. *Midwest Tube Fabricators, Inc.*, B-407166, B-407167, Nov. 20, 2012, 2012 CPD ¶ 324 at 3. Our Office will not find improper agency action based on conjecture or inference. *Electra-Motion, Inc.*, B-229671, Dec. 10, 1987, 87-2 CPD ¶ 581 at 1; 4 C.F.R. § 21.5(f).

Guidehouse's identified basis for its argument is that "KPMG is now actively recruiting for" the program manager position based on a website job posting. Protest at 11-13. Recruitment efforts are not sufficient information to support such a basis for protest. See *ICF Inc., L.L.C.*, B-419049.3, B-419049.4, Mar. 9, 2021, 2021 CPD ¶ 117 at 8-9 (stating that evidence of recruitment efforts does not, by itself, establish a bait and switch claim); *Booz Allen Hamilton, Inc.*, B-418125 *et al.*, Jan. 15, 2020, 2020 CPD ¶ 28 at 5 n.7 (dismissing allegations of failure to comply with key personnel requirements based on "posted job openings for three of the four key personnel positions less than a week after award"). Accordingly, we conclude that Guidehouse has failed to provide a valid basis for protest and dismiss this aspect of the protest.

We have considered all of Guidehouse's challenges and discuss the principal allegations below. We find that some of the challenges provide a basis to sustain the protest.

Technical Evaluation

Guidehouse challenges the agency's evaluation of its and the awardee's proposals under the technical factor. Comments & Supp. Protest at 4-9, 14-18. The agency responds that its evaluation was reasonable and consistent with the solicitation. Memorandum of Law (MOL) at 4-17; Supp. MOL at 2-13, 17-21.

For the technical volume, offerors were required to submit a technical approach narrative, including a white paper addressing a hypothetical advisory support scenario, as well as a basis of estimate featuring a matrix of the "labor categories and/or skill mixes that meet the areas of support as specified in SOW Appendix A, with differentiating qualifications for each level, within each labor category." AR, Exh. 4, RFP Section L at 9-10. The solicitation stated that the agency would evaluate the technical factor for technical approach, the advisory services scenario, and technical understanding. AR, Exh. 5, RFP Section M at 3.

KPMG's Labor Approach

The protester first asserts that KPMG's proposal should have been deemed unacceptable and ineligible for award because it did not comply with a material requirement of the solicitation for the proposal of expert labor.⁵ Supp. Comments at 4-8. The agency asserts that the awardee in fact proposed all required personnel, and that Guidehouse is elevating semantics of labor category labels over the substance of labor category qualifications. Supp. MOL at 2-8.

It is a fundamental principle that an agency must evaluate proposals in a manner consistent with the terms of the solicitation and, while the evaluation of offerors' proposals generally is a matter within the procuring agency's discretion, our Office will

⁵ Guidehouse separately asserts a more general allegation "that offerors were not competing on common ground due to widely divergent proposed costs and variant understandings of the effort" required, citing the difference between the total hours and costs proposed by Guidehouse and KPMG. Comments & Supp. Protest at 8 n.4. Alleged differences in proposed staffing complements and costs, alone, do not establish that offerors had differing understandings of a solicitation or that the solicitation failed to provide a common basis for competition. *Verizon Bus. Network Servs.*, B-419271.5 *et al.*, Apr. 26, 2021, 2021 CPD ¶ 191 at 5-6. Instead, the protester must make a threshold showing of an ambiguous or unclear solicitation requirement to present a legally sufficient basis of protest asserting that offerors were not competing on a common basis. *Novetta, Inc.*, B-414672.4, B-414672.7, Oct. 9, 2018, 2018 CPD ¶ 349 at 20-21. Guidehouse made no such showing and we therefore find no basis to sustain Guidehouse's protest based on differing labor hours and costs.

question an agency's evaluation where it is unreasonable, inconsistent with the solicitation's stated evaluation criteria, or undocumented. *Exelis Sys. Corp.*, B-407111 *et al.*, Nov. 13, 2012, 2012 CPD ¶ 340 at 5; *Public Commc'ns Servs., Inc.*, B-400058, B-400058.3, July 18, 2008, 2009 CPD ¶ 154 at 17. Further, where an agency fails to document its evaluation or retain evaluation materials, it bears the risk that there may not be adequate supporting rationale in the record for GAO to conclude that the agency had a reasonable basis for the source selection decision. *System Rsch. & Applications Corp.*; *Booz Allen Hamilton, Inc.*, B-299818 *et al.*, Sept. 6, 2007, 2008 CPD ¶ 28 at 12. The principle applies with equal force where an agency elects to limit its production of documents in response to a protest. *TriCenturion, Inc.*; *SafeGuard Servs., LLC*, B-406032 *et al.*, Jan. 25, 2012, 2012 CPD ¶ 52 at 13.

Here, the RFP required offerors to submit "a matrix of labor categories and/or skill mixes that meet the areas of support as specified in SOW Appendix A, with differentiating qualifications for each level, within each labor category." AR, Exh. 4, RFP Section L at 10. The solicitation continued, "[w]ithin the staffing matrixes, Offerors shall propose a labor mix comprised of the defined labor categories per SOW Appendix A that demonstrate equivalent levels of educational backgrounds and experience as defined below to fulfill the requirement." *Id.* SOW Appendix A, in turn, identified required and desired skills for the job categories of program manager, business intelligence expert, data analytics expert, financial management expert, systems integration expert, process analysis and improvement expert, auditing/accounting expert, communications expert, and financial counterintelligence (CI) expert. SOW at 20-23.

According to Guidehouse, "KPMG took exception to the requirement to provide each labor category in SOW Appendix A by failing to propose three of the required labor categories": business intelligence expert, financial management expert, and communications expert. Comments & Supp. Protest at 5-8. Guidehouse asserts that, "Instead, KPMG proposed only 'mid-level' individuals" for the categories.⁶ *Id.* at 5.

⁶ Guidehouse also contends that ODNI's cost realism analysis of KPMG was flawed because the agency should have increased KPMG's "labor hours or rates" to incorporate expert labor categories from the solicitation. Protest at 8-9; Supp. Comments at 8-9. We disagree. A cost realism evaluation must evaluate each offeror's unique technical approach and assess whether the costs proposed are realistic for that approach. FAR 15.404-1(d)(1); *Concurrent Techs. Corp.*, B-412795.2, B-412795.3, Jan. 17, 2017, 2017 CPD ¶ 25 at 15. Guidehouse contends that KPMG did not propose "hours or costs for the Business Intelligence Expert, Financial Management Expert, and Communications Expert" labor categories. Supp. Comments at 8. In other words, the protester's true argument is not that the agency failed to assess whether KPMG's proposed costs were adequate in light of its technical approach, but that the agency did not adjust KPMG's approach to better match Guidehouse's understanding of the solicitation's requirements. Accordingly, we find that the protester's allegation provides no basis to sustain the protest. *Onyx-Technica, JV*, B-412474, B-412474.2, Feb. 26, 2016, 2016 CPD ¶ 65 at 5-6 (denying allegation that agency was required to normalize costs rather than assess them for realism according to proposed technical approaches).

ODNI responds that, essentially, Guidehouse is elevating form over substance. The agency does not dispute that, for the business intelligence, financial management, and communications categories, the awardee proposed personnel with a skill level labeled “mid-level” or “junior.” See AR, Exh. 68, KPMG Skills Matrix at lines 7, 8, 11,-12, 21. According to the agency, however, KPMG’s skills matrix evidenced that, labels aside, the awardee offered personnel “who far exceed the requirements for an ‘expert’ under SOW Appendix A” and offerors “did not have to propose individuals **labeled** as experts; they -- like every other offeror -- had to propose individuals who met the Agency’s requirements for what constituted an expert.” Supp. MOL at 2-3.

Specifically, in response to the protest, ODNI asserts that the solicitation allowed offerors to propose individuals that met the SOW’s requirements or offered “equivalent levels of educational backgrounds and experience.” Supp. MOL at 3. The contracting officer then offers a chart that purportedly “demonstrates how each of the proposed personnel met the requirements for the three” labor categories at issue. Supp. COS at 4-5.

The problem, as Guidehouse points out, is that the agency has produced no evidence that it contemporaneously evaluated KPMG’s proposed labor to determine whether they met the agency’s requirements under SOW Appendix A or equivalent qualifications. Supp. Comments at 6-7. Without such contemporaneous documentation, we are left with the agency’s post-protest arguments against our own review of the record, which confirms that KPMG’s “mid-level” and “junior” positions do not consistently meet the SOW Appendix A qualifications for business intelligence expert, financial management expert, and communications experts. *Avionic Instruments LLC*, B-418604, B-418604.2, June 30, 2020, 2020 CPD ¶ 225 at 6 (explaining that when an agency’s post-protest defense of its evaluation is not supported by the contemporaneous record such explanations are unpersuasive and will be afforded little weight).

For example, SOW Appendix A provides that a business intelligence expert must, among other requirements, have earned “a Bachelor’s degree in Business, Mathematics or Economics.” SOW at 20. The agency contends that KPMG’s two proposed personnel met the requirements, but then cites candidate A, with a master’s degree in criminology/applied data science, with no reference to or explanation of any bachelor’s degree (or a master’s degree) in one of the three specified fields. See Supp. COS at 4. A business intelligent expert also requires a minimum of 5 years of experience in financial management disciplines. SOW at 20. The agency again contends that KPMG’s proposed personnel met the requirements, but does not address that KPMG’s proposal claimed only “[o]ver 3 years of experience in financial management” for candidate B. See Supp. COS at 4; AR, Exh. 68, KPMG Skills Matrix at line 8. A financial management expert had a similar experience requirement for at least 5 years “producing executive level strategic plans.” SOW at 21. The agency invokes the awardee’s proposed financial management “mid-level” candidate’s 9 years of experience in auditability support to assert the candidate was qualified. Supp. COS at 5. But again, KPMG’s own proposal lists the 9 years in auditability support but claims

just 4 years of experience specific to “strategic planning and implementation.” AR, Exh. 68, KPMG Skills Matrix at line 11.

Because the agency avers that the solicitation required offerors to propose labor qualified as experts according to the solicitation, and neither the contemporaneous record nor the post-protest pleadings, which are inconsistent with the contemporaneous record, demonstrate that KPMG did so, the protest is sustained. *Global Patent Sols., LLC*, B-421602.2, B-421602.3, Feb. 23, 2024, 2024 CPD ¶ 32 at 11-12.

Differences Between Original and Corrective Action Evaluation

As noted above, Guidehouse protested the agency’s original evaluation and award decision, in response to which the agency took corrective action, resulting in a revised solicitation, revised proposals, a new evaluation (with different evaluation findings) and a new source selection decision. The protester challenges two ways in which the agency’s new evaluation of its proposal is less favorable.

Guidehouse first argues the agency unreasonably downgraded its proposal from a significant strength from the protester’s initial proposal to just a strength in the protester’s revised proposal. To support its argument, Guidehouse cites *Bowhead Mission Solutions, LLC--Costs*, B-419385.7, July 14, 2022, 2022 CPD ¶ 183,⁷ contending that the agency unreasonably assigned its revised proposal only a minor strength for mission domain knowledge instead of a significant strength as in the evaluation of the protester’s initial proposal. Protest at 20-22.

Guidehouse next asserts that the agency unreasonably failed to assign any strength for addressing the advisory services scenario even though the response garnered a minor strength in the initial evaluation. *Id.* at 16-18. The agency responds that the differences in the evaluation findings are explained by the fact that “Guidehouse substantively revised its proposal when the agency released an amended solicitation and received amended proposals in turn.” MOL at 14; *see also id.* at 15 (addressing change to solicitation during corrective action).

Our Office has consistently stated that the fact that a reevaluation of proposals after corrective action varies from the original evaluation does not constitute evidence that the reevaluation was unreasonable, since it is implicit that a reevaluation can result in different findings and conclusions. *HeiTech-PAE, LLC*, B-420049.9, B-420049.10, June 8, 2022, 2022 CPD ¶ 162 at 11; *eAlliant, LLC*, *supra* at 10. Further, the protester’s suggestion that the agency’s prior evaluation constitutes the benchmark against which the final evaluation must compare presents a false premise. *CACI, Inc.--Fed.*,

⁷ Specifically, Guidehouse cites *Bowhead Mission Solutions*, because in that decision, we recommended that the protester be reimbursed its reasonable costs related to filing and pursuing its protest because we agreed that “the fact pattern [there fell] squarely within our Office’s decision in *eAlliant, LLC*, B-407332.6, B-407332.10, Jan. 14, 2015, 2015 CPD ¶ 229.” *Bowhead Mission Sols., LLC--Costs*, *supra* at 5.

B-418400.7, B-418400.8, Apr. 29, 2021, 2021 CPD ¶ 192 at 8. The overriding concern in our review of a reevaluation following corrective action is not whether the final evaluation is consistent with an earlier evaluation, but rather, whether it is reasonable and consistent with the solicitation. *HeiTech-PAE, LLC, supra* at 12.

In *eAlliant*, we continued to recognize that the mere fact that a reevaluation of proposals after corrective action varies from the original evaluation does not constitute evidence that the reevaluation was unreasonable, since it is implicit that a reevaluation can result in different findings and conclusions. *eAlliant, supra* at 10. We found a limited exception to this principle where the same SSA reaches contradictory evaluation conclusions regarding the same proposal, submitted by the same offeror, under the same solicitation, and the SSA does not explain the discrepancy. *Id.* at 11. In such circumstances, differing conclusions are still not per se unreasonable, but an agency must reconcile or explain its differing conclusions. *Id.* at 12.

This protest does not share the circumstances on which our Office's decision in *eAlliant* was predicated. Here, after the initial evaluation, the agency issued a revised version of the solicitation and offerors submitted revised proposals. COS at 1. Accordingly, the protester's assertion that the agency's evaluation was unreasonable because there is no reconciliation of any differences between the present evaluation and prior rounds of evaluation is without merit. See *MILVETS Systems Tech., Inc.*, B-409051.7, B-409051.9, Jan. 29, 2016, 2016 CPD ¶ 53 at 7. For these reasons, we deny these arguments regarding the technical evaluation of Guidehouse's proposal.

More Significant Strengths

Guidehouse contends that the agency unreasonably assigned its proposal a minor strength rather than a significant strength under the technical approach subfactor. In essence, the protester argues that where the agency identified strengths in the firm's proposal, the agency should have identified the benefits as even more impactful than it did.

Among the technical subfactors for evaluation was technical approach, specifically "the extent to which the offeror's proposal demonstrates an effective technical approach and strategy for successfully accomplishing the objectives defined in" the SOW. AR, Exh. 5, RFP Section M at 3. In the evaluation of Guidehouse's proposal, the agency identified a minor strength under the technical approach subfactor for Guidehouse's advisory support approach based on "a strong, thorough approach and strategy for achieving the objectives." AR, Exh. 54, Technical and Management Evaluation Report at 65. Guidehouse insists that it deserves further recognition. Protest at 15-16.

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. *Candor Sols., LLC*, B-417950.5, B-417950.6, May 20, 2021, 2021 CPD ¶ 199 at 5. Rather, we will review the record to determine whether the agency's evaluation was reasonable and consistent

with the solicitation's evaluation criteria and with applicable procurement statutes and regulations. *Id.* A protester's disagreement with the agency's judgment of the relative merits of competing proposals, without more, does not establish that the evaluation was unreasonable. *PricewaterhouseCoopers Public Sector, LLP*, B-415504, B-415504.2, Jan 18, 2018, 2018 CPD ¶ 35 at 6.

According to the protester, the agency was obligated to recognize Guidehouse's advisory support approach as a significant strength because Guidehouse has successfully performed the incumbent contract and can leverage the relationships and expertise gained as the incumbent to continue to benefit the agency. Protest at 15-16. Our Office, however, has repeatedly found that there is no requirement that an incumbent be given extra credit for its status as an incumbent, or that an agency assign or reserve the highest rating for the incumbent offeror. *CACI, Inc.*, B-420729.2, Mar. 1, 2023, 2023 CPD ¶ 51 at 9 n.8. Nor does the offer of incumbent personnel entitle a proposal to special consideration or necessitate a higher rating than other offerors.⁸ *Id.*

Further, the essence of the protester's challenge is not that the agency failed to identify an advantage in Guidehouse's proposal; rather, Guidehouse contests the weight accorded an identified advantage. As such, we find that the agency's assignment of a minor strength to Guidehouse's technical approach was reasonable, consistent with the stated evaluation criteria, and adequately documented. Although Guidehouse may consider its incumbent knowledge to be of greater value or benefit than what the agency assessed, such disagreement, without more, does not provide a basis on which to sustain the protest. *AdvanceMedcorp.; TrustSolutions, LLC*, B-404910.4 *et al.*, Jan. 17, 2012, 2012 CPD ¶ 25 at 21 (noting, for the most part, a protester's disagreement with the weight or importance attached to particular proposal benefits provides no basis on which to sustain a protest).⁹

Management Evaluation

Guidehouse's Program Manager

The protester challenges a significant weakness assigned to its management proposal based on the qualifications of its proposed program manager. Comments & Supp.

⁸ For this reason, we also find no basis to sustain the argument that Guidehouse's proposal must have merited a strength for the advisory services scenario, which is premised on the fact that Guidehouse proposed to continue supporting the agency as it had during the incumbent contract. See Protest at 19-20.

⁹ Similarly, we find no basis to sustain Guidehouse's allegation that it deserved a significant strength for its transition plan, rather than the minor strength that the agency did identify. See Protest at 24-25. Further, specific to such a contention regarding transition, an agency is not required to assign the highest possible evaluation to a transition plan merely because the offeror is the incumbent. *Gemini Tech Servs., LLC*, B-421911, B-421911.2, Nov. 22, 2023, 2023 CPD ¶ 267 at 5-6.

Protest at 9-14. The solicitation identified a single position as key personnel--the program manager. AR, Exh. 5, RFP Section M at 3; SOW at 6. The SOW defined the qualifications for the program manager, including, as relevant here, "Project Management Professional (PMP) or equivalent PM certification and minimum of seven (7) years relevant experience as a Program Manager within the Federal Government." SOW at 6; see *also id.* at 20 (Project Management Institute (PMI) certified PMP "or equivalent with a minimum of seven (7) years of experience as a project manager and PMP within the Federal Government").

Guidehouse proposed X, who obtained a PMP certification in December 2019. AR, Exh. 37, Guidehouse Management Proposal at 41. X's resume first provides a high-level employment history:

Company Name	Start Date (MM/YY)	Stop Date (MM/YY)	Last Position Title
Guidehouse Inc.	02/23	Present	Associate Director
Deloitte & Touche LLP	04/22	02/23	Manager
Guidehouse Inc.	02/19	04/22	Manager
Deloitte & Touche LLP	06/15	02/19	Senior Consultant
Savvee Consulting, Inc.	07/14	06/15	Budget Analyst
AOC Solutions, Inc.	09/12	07/14	Associate

Id. at 41. In a narrative addressing the required qualifications, according to Guidehouse's proposal, X "has over 8 years' experience managing programs with varying degrees of complexity within the Federal Government." *Id.* at 42 (emphasis omitted).

Evaluating Guidehouse's proposal, the agency concluded that X did not meet the RFP's requirements and assessed a significant weakness on that basis. AR, Exh. 54, Technical and Management Evaluation Report at 70. Specifically, the agency concluded that X's resume did not demonstrate "a minimum of seven years of Program Management experience within the federal government." *Id.* According to the evaluators:

Under Section 2 of the proposed candidate's resume, the Offeror stated in general terms that the candidate has "over eight years of experience managing programs with varying degrees of complexity within the Federal Government." No further supporting information was detailed in Section 2 to validate the candidate's experience that qualifies as a minimum of seven years as a Program Manager in the federal government as specified in SOW 2.1. Furthermore, the proposed candidate's employment history only shows experience in a management position starting in 2019. Prior to 2019, the proposed candidate's employment history identified roles as a senior consultant, budget analyst, and associate, none of which explicitly conveyed the role of Program Manager.

Id. at 70-71.

According to Guidehouse, the agency's evaluation was unreasonable because it "focused only on job titles" rather than the program management experience required by the solicitation. Protest at 11. Recognizing the evaluator's stated basis for the weakness included reference to the position titles in X's high-level employment history, the agency asserts that three of the position titles from X's high-level employment history--senior consultant, budget analyst, and associate--are not program manager "(or equivalent) jobs." *Id.* at 10 n.5. The agency denies, however, that the evaluators "relied solely" on job titles or specific words. MOL at 10-11.

Instead, the agency explains that the evaluators considered job titles and found that the "the proposed Program Manager's cited experience in Section 2 of his resume does not sufficiently demonstrate that his experience was program management experience in particular." MOL at 9. According to ODNI, although Guidehouse's proposal represented that the proposed program manager had more than the required years of relevant experience, "the ambiguous references to a variety of leadership roles do not clearly articulate how they constitute Program Management experience as required in the RFP." *Id.* at 10.

Our review of the record, however, shows that Guidehouse did describe X's experience performing program management relevant to the key personnel position in this solicitation. The SOW defines the expectations for the role of the program manager here:

The [Program Manager] shall provide a single point of contact with the [IC CFO], and function as the team lead to coordinate all work scheduling, provide a monthly progress report to be submitted to the Contracting Officer's Technical Representative (COTR), and manage expectations, workload and personnel to accomplish the [IC CFO]'s objectives. The [Program Manager] must gain a thorough understanding of all aspects of the [IC CFO]'s mission to drive requirements as well as recommend solutions to assist with relevant IC tasks. The [Program Manager] will also be required to coordinate and interact with the PMs from the other Contracts, as well as Staff from all areas within IC CFO.

SOW at 6. In short, the solicitation explains that the program manager will lead the team and take responsibility for progress tracking and reporting and communication and coordination with the agency. Immediately after identifying that X has "8 years' experience managing programs," Guidehouse described X's previous work performing relevant responsibilities, including:

- "For the last year, he led a Deloitte team supporting the Bureau of Prisons," reporting to a senior executive;
- "For 3 years, he led a Guidehouse team" supporting the IC CFO, working with government leads, managing plans, and monitoring risks; and

- “For 3.5 years at a Special Access Program, [X] managed a data analytics team of up to seven staff.”

AR, Exh. 37, Guidehouse Management Proposal at 42.¹⁰

In this way, Guidehouse’s proposal identifies three efforts that X has supported for different agencies. *Id.* The proposal describes X as the individual responsible for leading each of the three efforts, specifying the number of individuals he managed. *Id.* The proposal also describes his responsibilities in terms that overlap with the expectations for the program manager under this solicitation. For example, the SOW here requires the program manager to be the point of contact with the agency and “function as the team lead” responsible for workload planning and progress reporting. SOW at 6. Guidehouse’s proposal sets forth that, on the previous IC CFO effort, X “worked with government leads and team members to align resources and efforts to the client’s overall strategy. He managed plans, provided leadership, monitored risk, and directed communications pertaining to the delivery of deliverables.” *Id.* We find that the proposal’s description of X’s experience is inconsistent with the agency’s conclusion that “[n]o further supporting information was detailed to validate” that X has the required years of experience in program management for the position.

ODNI asserts that, even if the agency was wrong about X’s program management experience, the assigned significant weakness was reasonable because X “had not been a PMI Certified Program Management Professional for seven years.” MOL at 7. The evaluators, however, did not assign the weakness based on the length of X’s certification. Instead, they documented that Guidehouse provided “[n]o further supporting information” about why X’s experience as program management experience, and X’s employment history did not use the title “Program Manager.” AR, Exh. 54, Technical and Management Evaluation Report at 70-71. Because the agency’s first post-protest position is inconsistent with the contemporaneous record, we accord it little weight. *IDEMIA Nat’l Sec. Sols., LLC*, B-421418, B-421418.2, May 1, 2023, 2023 CPD ¶ 96 at 13.

In sum, because the evaluators’ stated basis for the weakness--a lack of information supporting X’s claim to program manager experience--does not reasonably account for information provided within Guidehouse’s proposal describing X’s duties managing programs for federal agencies, we cannot find the evaluation was reasonable. *IDEMIA Nat’l Sec. Sols., LLC*, supra at 13 (sustaining protest because agency’s “ignored or otherwise failed to reasonably consider the” contents of the protester’s proposal). This protest argument is therefore sustained.

Asserted More Significant and Additional Strengths

¹⁰ We note that these descriptions amount to over 7 years, rather than 8 years as stated in Guidehouse’s proposal. The discrepancy is not material to our analysis because the solicitation here required 7 years of experience. SOW at 6.

The protester also argues that the agency failed to identify, as strengths, two features of its management proposal that it contends exceeded the SOW requirements. Protest at 23-27. Specifically, Guidehouse asserts that it should have earned strengths for its program management plan and its staffing and resource plan. *Id.* The agency responds that, with respect to the features highlighted by Guidehouse, the evaluators reasonably determined that Guidehouse's proposal met, but did not exceed, the requirements in a way that would provide advantages to the agency. COS at 19-23; MOL at 17.

An agency's judgment that the features identified in a proposal do not significantly exceed the requirements of the solicitation or provide advantages to the government--and thus do not warrant the assessment of unique strengths--is a matter within the agency's discretion and one that we will not disturb where the protester has failed to demonstrate that the evaluation was unreasonable. *Protection Strategies, Inc.*, B-416635, Nov. 1, 2018, 2019 CPD ¶ 33 at 8 n.4. Furthermore, an agency is not required to document "determinations of adequacy" or explain in the evaluation record why it did not assess a strength, weakness, or deficiency for a particular item. *Booz Allen Hamilton, Inc.*, B-417418 *et al.*, July 3, 2019, 2019 CPD ¶ 246 at 17; *Candor Sols., LLC*, *supra* at 7 n.7.

According to the protester, the invocation in its program management plan of its "expertise with [knowledge management] platforms currently available in the Agency's systems environments," automated schedule and cost tracking tool, and "award-winning" quality management program means that the agency had no choice but to award Guidehouse a strength. Protest at 23-24. The SOW, however, required offerors to address knowledge management, schedule and cost management, and quality management as part of the program management plan. SOW at 10. Accordingly, the fact that the protester addressed how it met the agency's requirements does not suggest that it was entitled to a strength in this regard. In addition, the protester asserts that the agency was unreasonable for not assigning a strength to the firm's staffing and resource plan because Guidehouse identified a "wealth of knowledgeable, experienced cleared and uncleared personnel it could provide as needed to perform the contract." Protest at 27. But again, the SOW requires submission of a plan "establishing [the contractor's] ability to draw from a pool of qualified, cleared and uncleared personnel, when the need arises, to support specific relevant and evolving technologies and to rapidly increase staffing." SOW at 12.

In short, the protester has not presented any evidence that its approach objectively exceeds any specific requirements of the solicitation for technical approach. Accordingly, we have no basis to object to the agency's decision not to assign strengths or otherwise determine that the protester met, but did not exceed, the requirements for technical approach. *Bluehawk, LLC*, B-421201, B-421201.2, Jan. 18, 2023, 2023 CPD ¶ 43 at 8 (denying protest asserting that the agency should have assigned additional strengths because "the protester fails to explain how the agency's evaluation was inconsistent with the stated evaluation criteria"); *Derivative, LLC*, B-420687.3,

B-420687.4, May 12, 2023, 2023 CPD ¶ 119 at 11 (finding evaluation reasonable where agency found protester's approach to meet, but not exceed, the requirement).¹¹

Indeed, although the protester disclaims that it is demanding credit for its incumbent experience, we find that these arguments, at their core, amount to a request that our Office should substitute the protester's judgment for the agency's because Guidehouse's experience with performing the incumbent contract puts the firm in the best position to determine how well its proposal meets the RFP's requirements. We decline to do so. *Systems Implementers, Inc.; Transcend Tech. Sys., LLC*, B-418963.5 *et al.*, June 1, 2022, 2022 CPD ¶ 138 at 16 (denying contention that protester's proposal merited assessment of multiple additional strengths for various aspects of protester's experience where protester's view of its experience as an advantage expressed nothing more than its disagreement with the evaluators' subjective judgments). These allegations are denied.

Best-Value Tradeoff

Guidehouse also challenges the agency's best-value tradeoff decision. Specifically, the protester maintains that the agency's tradeoff was unreasonable because it was based on flawed underlying evaluations and because the SSA failed to adequately describe the benefits in KPMG's proposal that justified its price premium. Protest at 31-32; Comments & Supp. Protest at 18. In light of our determination that the evaluation of proposals was unreasonable, and our corresponding recommendation, we need not address the protester's challenges to the agency's best-value tradeoff decision. *Innovative Test Asset Sols., LLC*, B-411687, B-411687.2, Oct. 2, 2015, 2016 CPD ¶ 68 at 19 n.26.

RECOMMENDATION

We recommend that the agency reevaluate proposals in accordance with the solicitation and make a new source selection decision based on that reevaluation. In the event the reevaluation results in the selection of an offeror other than KPMG, we recommend that the agency terminate the contract awarded to KPMG for the convenience of the government. We also recommend that Guidehouse be reimbursed the costs of filing and pursuing the protest, including reasonable attorneys' fees. 4 C.F.R. § 21.8(d)(1). Guidehouse should submit its certified claim for costs, detailing the time expended and costs incurred, directly to the contracting agency within 60 days after receipt of this decision. 4 C.F.R. § 21.8(f)(1).

The protest is sustained.

¹¹ For the same reasons, we deny Guidehouse's allegation under the technical factor that its reliance on the "[DELETED] solution" should have been a strength. See Protest at 16.

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