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Decision

Matter of: Amyx, Inc.

File: B-416734.2

Date: April 9, 2019

James Y. Boland, Esq., Michael T. Francel, Esq., and Caleb E. McCallum, Esq., Venable LLP, for the protester.

Kasey M. Podzius, Esq., Department of Homeland Security, for the agency.

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DIGEST

Protest is denied where the agency's determination that the protester's technical advantages did not warrant a price premium was supported by the record.

DECISION

Amyx, Inc., of Dallas, Texas, protests the issuance of a blanket purchase agreement (BPA) against the Federal Supply Schedule (FSS) to SRA International, Inc., of Chantilly, Virginia, under request for quotations (RFQ) No. 70CMSD18Q0000016, issued by the Department of Homeland Security, U.S. Immigration and Customs Enforcement, for operations support services. Amyx alleges that the agency unreasonably made its source selection decision.

We deny the protest.

BACKGROUND

On June 4, 2018, the agency issued the RFQ to a subset of General Services Administration, Professional Services Schedule, Special Item Number 874-1, schedule contract holders. Agency Report (AR), Tab 2, RFQ at 1. The RFQ contemplated the issuance of a fixed-price BPA to be performed over a 1-year base period, four 1-year option periods, and one 6-month extension period. *Id.* at 1, 81. The selected contractor would be expected to provide operations support services to the Visa Security Program and the Counterterrorism and Criminal Exploitation Unit within the agency's Visa Lifecycle Vetting Initiative. *Id.* at 14. The RFQ provided for award on a best-value tradeoff basis considering corporate experience, key personnel, staffing approach, and

price. Id. at 7. Corporate experience and key personnel would be evaluated on a pass or fail basis. Id. The agency would then make its tradeoff decision considering staffing approach and price. Id. The RFQ advised that staffing approach was more important than price, but as the non-price evaluation of quotations determines there are no substantial differences, price becomes more important. Id.

Eight vendors, including Amyx and SRA, submitted quotations prior to the July 11, 2018, closing date. Contracting Officer’s Statement of Facts (COS) at 1. On August 16, the agency made award to SRA. Our Office subsequently sustained a protest of the agency’s award, finding that the agency unequally evaluated quotations. ManTech Advanced Systems International, Inc., B-416734, Nov. 27, 2018, 2018 CPD ¶ 408. In implementing our recommendation in that decision, the agency reevaluated quotations with the following results:

	Amyx	SRA
Corporate Experience	Acceptable	Acceptable
Key Personnel	Acceptable	Acceptable
Staffing Approach	Acceptable	Acceptable
Price	\$119,616,340	\$113,051,362

AR, Tab 11, Post-Corrective Action Source Selection Decision Document (SSDD) at 3. Amyx’s quotation was assigned five strengths and no weaknesses under the staffing approach factor. AR, Tab 7, Source Selection Evaluation Board Report (SSEB) at 6. The agency identified strengths associated with Amyx’s recruitment plan for cleared personnel, monetary incentive program for cleared personnel, career progression plan, junior analyst recruitment strategies, and monetary incentive program for junior analysts. Id. at 4-6. SRA’s proposal was assigned three strengths and one weakness under staffing approach factor. Id. at 30-33; AR, Tab 10, Post-Corrective Action SSEB at 3-4. The agency identified strengths associated with SRA’s monetary incentives for junior analysts, career progression program for analysts, and retention program for junior analysts. AR, Tab 7, SSEB at 30-33. SRA’s quotation was assigned a weakness because it did not have a retention approach specifically focused on cleared personnel. AR, Tab 10, Post-Corrective Action SSEB at 3-4.

When conducting her tradeoff analysis, the source selection authority (SSA) noted that both quotations offered competing recruitment and retention programs, as well as recruitment strategies, that would lead to successful contract performance. AR, Tab 11, Post-Corrective Action SSDD at 9-10. The SSA also noted that Amyx’s quotation offered additional advantages including its [DELETED] and [DELETED]. Id. at 10. Nevertheless, the SSA concluded that the additional advantages were not worth the \$6.5 million price premium. Id. After the agency issued the BPA to SRA on January 28, 2019, Amyx filed the instant protest with our Office.

DISCUSSION

Amyx argues that the SSA unreasonably made her source selection decision because she improperly equated features of the proposals and did not weigh the staffing approach factor as more important than the price factor.¹ Comments at 6-13. In response, the agency argues that it acknowledged Amyx's superior staffing approach and considered the advantage it offered not worth the price premium. MOL at 13-15.

Where, as here, an agency issues an RFQ to FSS contractors under Federal Acquisition Regulation subpart 8.4 and conducts a competition, we will review the agency's actions and source selection decision to ensure that the evaluation was fair, reasonable, and consistent with the terms of the solicitation. Phoenix Grp. of Virginia, Inc., B-407852, Mar. 12, 2013, 2013 CPD ¶ 80 at 5. Where the procurement provides for award on a best-value tradeoff basis, it is the function of the source selection official to perform a price/technical tradeoff (*i.e.*, to determine whether one quotation's technical superiority is worth its higher price). *Id.* The extent to which technical superiority is traded for a lower price is governed only by the test of rationality and consistency with the stated evaluation criteria. General Dynamics Information Tech., Inc., B-406030, B-406030.3, Jan. 25, 2012, 2012 CPD ¶ 55 at 6.

As to Amyx's argument that the SSA unreasonably equated features of the quotations, we do not find that this argument provides us with a basis to sustain the protest. As noted above, the SSA considered retention programs offered by both vendors to be similar. See AR, Tab 11, Post-Corrective Action SSDD at 10. Although Amyx points out that its retention program applies to cleared personnel and SRA's retention program applies to junior analysts, we do not find this distinction meaningful because the agency shows that SRA's program effectively encourages the retention of cleared personnel. MOL at 14; COS at 3; see also AR, Tab 11, Post-Corrective Action SSDD at 3-4. Indeed, SRA's quotation shows that its [DELETED]. See AR, Tab 5, SRA Quotation at 9-10. Thus, we think the SSA had a reasonable basis to equate these features because both programs effectively increased the likelihood of retaining cleared personnel. To the extent the protester complains that the features of the programs were different because its program offered [DELETED], we note that such complaints constitute disagreement with the SSA's comparison of the two programs and does not demonstrate that the tradeoff analysis was unreasonable. See Jack Faucett Assocs., B-277555, Sept. 12, 1997, 97-2 CPD ¶ 71 at 3 (protester's mere disagreement with agency's evaluation and source selection decision does not render the results unreasonable). Accordingly, we deny the protest allegation.

¹ In its protest, Amyx alleged additional protest grounds, arguing that the agency unreasonably evaluated quotations under the staffing approach factor. The protester withdrew those allegations in its comments. Comments at 2 n.1.

Regarding Amyx's allegation that the SSA did not weigh the factors in accordance with the RFQ's evaluation criteria, we disagree. As set forth above, the record reflects that the evaluators identified and documented, and the SSA considered the strengths and weaknesses associated with Amyx's and SRA's quotations. AR, Tab 7, SSEB at 4-6, 30-33; AR, Tab 11, Post-Corrective Action SSDD at 3, 9-10. The record further shows that the SSA accurately acknowledged Amyx's quotation as offering additional strengths, but concluded that any performance advantages were not worth the \$6.5 million (i.e., 5.8 percent) price premium. AR, Tab 11, Post-Corrective Action SSDD at 10.

While Amyx asserts that the SSA failed to document her precise reasons for finding those features as not warranting the price premium, our decisions explain that there is no need for extensive documentation of every consideration factored into a tradeoff decision, but rather the documentation need only be sufficient to establish that the agency was aware of the relative merits and prices of the competing quotations. See, e.g., General Dynamics Information Tech., Inc., supra at 6-7 n.4; see also New Orleans Support Servs. LLC, B-404914, June 21, 2011, 2011 CPD ¶ 146 at 7 (source selection decision need not provide a precise determination when concluding that a proposal's particular technical advantages are not worth the price premium). Thus, as the record reflects that the SSA considered the relative merit of the proposals and weights of the factors under the RFQ's evaluation criteria, we find that her tradeoff decision was reasonable. See AR, Tab 11, Post-Corrective Action SSDD at 2. Accordingly, we deny the protest allegation.

The protest is denied.

Thomas H. Armstrong
General Counsel