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# Decision

**Matter of:** Triad Logistics Services Corporation

**File:** B-417621.2

**Date:** November 5, 2019

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Joseph M. Goldstein, Esq., and Andrew E. Schwartz, Esq., Shutts & Bowen LLP, for the protester.

Christopher C. Bouquet, Esq., The Law Office of Christopher C. Bouquet, PLLC, for LOGMET, LLC, the intervenor.

Colonel Patricia S. Wiegman-Lenz, Michael J. Farr, Esq., and James M. Peeler, Esq., Department of the Air Force, for the agency.

Todd C. Culliton, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest that the agency unreasonably evaluated the awardee's past performance is denied where the record shows that the agency looked beyond the adjectival ratings to evaluate the comparative merit of the quotations, and the agency considered the complexity of the referenced efforts in accordance with the solicitation's evaluation criteria.

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## DECISION

Triad Logistics Services Corporation, of Melbourne, Florida, the incumbent contractor, protests the award of a contract to LOGMET, LLC, of Austin, Texas, under request for quotations (RFQ) No. FA8501-19-R-A002, issued by the Department of the Air Force for airfield management operations services. Triad alleges that the Air Force unreasonably evaluated LOGMET's past performance, and as a result, made an improper selection decision.

We deny the protest.

## BACKGROUND

On February 28, 2019, the Air Force issued the RFQ for airfield management operations services at Robins Air Force Base, Georgia, to be performed over a 1-year base period and four 1-year option periods. Contracting Officer's Statement (COS) at 3;

RFQ at 14-15. Award would be made on a best-value tradeoff basis, considering technical, technical risk, past performance, and price factors. RFQ at 88. In making the award, the agency would first assess whether each quotation was technically acceptable, and then make a tradeoff between technical risk, past performance, and price. Id. Technical risk and past performance were equally important, and, when combined, were significantly more important than price. Id. The technical and technical risk factors were comprised of three subfactors: program management plan; recruitment, retention, and transition plan; and mission essential plan. Id. at 89.

Six vendors, including Triad and LOGMET, submitted quotations prior to the April 12, closing date. COS at 7. The agency conducted “fact-finding interchanges” with vendors to clarify past performance and proposed prices, as necessary. Id. The Air Force clarified the dollar value for airfield management operations for one of LOGMET’s past performance references. Agency Report (AR), Tab 22, LOGMET Interchange Notice, at 1-2. Following its evaluation, the agency selected LOGMET for award and notified the remaining vendors that their quotations were unsuccessful on May 22. COS at 16.

On May 29, Triad filed a protest with our Office. On June 28, the Air Force informed us that it would reevaluate quotations and make a new award decision, and as a result, we dismissed the protest as academic. Triad Logistics Servs. Corp., B-417621, July 3, 2019 (unpublished decision).

The Air Force then engaged in technical and pricing interchanges with each vendor, but after receiving responses, determined that a reevaluation was unnecessary. COS at 17. The agency’s evaluation results were as follows:

	<b>Triad</b>	<b>LOGMET</b>
<b>Program Management (Technical)</b>	Acceptable	Acceptable
<b>Recruitment, Retention, and Transition Plan (Technical)</b>	Acceptable	Acceptable
<b>Mission Essential Plan (Technical)</b>	Acceptable	Acceptable
<b>Program Management (Technical Risk)</b>	Low	Low
<b>Recruitment, Retention, and Transition Plan (Technical Risk)</b>	Low	Low
<b>Mission Essential Plan (Technical Risk)</b>	Low	Low
<b>Past Performance</b>	Substantial Confidence	Substantial Confidence
<b>Price</b>	\$5,313,311	\$5,208,746

AR, Tab 25, Decision Document (DD), at 11. Based on the results, the Source Selection Authority (SSA) determined that LOGMET’s quotation represented the best value. Id. at 10. The SSA noted that LOGMET received the highest technical and past performance ratings, and that it was not in the agency’s best interest to tradeoff for a

higher price. Id. at 10-11. After Triad learned that its quotation was again not selected for award, it filed the instant protest with our Office.

## DISCUSSION

Triad primarily argues that the agency unreasonably evaluated LOGMET's past performance references as "very relevant" because the referenced contracts are not essentially the same scope, magnitude, and complexity as the requirement here. Triad also argues that the agency unreasonably made its source selection decision. We have reviewed these challenges and find no basis to sustain either allegation.

### Past Performance

Triad asserts that the Air Force unreasonably assigned a "very relevant" rating to LOGMET's two past performance references, and that therefore LOGMET should have received a lower performance confidence assessment rating. First, Triad argues that LOGMET's past performance references were not essentially the same in magnitude or complexity because one of LOGMET's referenced contracts was for a lower dollar value, and the other referenced contract involved fewer departures/arrivals than the instant acquisition. Second, Triad argues that LOGMET's referenced contracts were not similar in terms of complexity because they involved different technical requirements.<sup>1</sup>

Our Office will examine an agency's evaluation of an offeror's past performance only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations, since determining the relative merit of an offeror's past performance is primarily a matter within the agency's discretion. Richen Mgmt., LLC, B-409697, July 11, 2014, 2014 CPD ¶ 211 at 4. A protester's disagreement with the agency's judgment does not establish that an evaluation was improper. Id.

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<sup>1</sup> In the background section of its protest, Triad appeared to argue that the agency unreasonably evaluated LOGMET's past performance because the North American Industry Classification System (NAICS) code for the instant procurement is different from the NAICS code of one of LOGMET's referenced contracts, and because the agency should not have considered a portion of LOGMET's performance on the referenced contract that occurred more than five years ago. Protest at 12-18. Although the agency provided a detailed response to these allegations in its report, see Memorandum of Law at 9-11, 13, Triad did not rebut the agency's position in its comments. Accordingly, we dismiss these allegations as abandoned. Tec-Masters, Inc., B-416235, July 12, 2018, 2018 CPD ¶ 241 at 6 ("Where, as here, an agency provides a detailed response to a protester's assertion and the protester fails to rebut or respond to the agency's argument in its comments, the protester fails to provide us with a basis to conclude that the agency's position with respect to the issue in question is unreasonable, and as a result, the protester abandons the assertion.").

By way of background, the RFQ instructed vendors to identify their two most recent and relevant contracts in order for the agency to assess each vendor's likelihood of successful performance. RFQ, at 86, 92. Vendors were also required to complete a coversheet for each referenced contract, which included a relevancy table. AR, Tab 12, RFQ, attach. 7, FACTS sheet at 1-4. When completing the relevancy table, vendors were required to describe their effort under multiple categories, including program similarity, proficiency with systems, types of inspections completed, and participation in special events. Id. at 2-3.

When describing how past performance would be evaluated, the RFQ advised that "[m]ore recent and more relevant performance usually has a greater impact in the confidence assessment than less recent and less relevant performance." RFQ at 92. For a referenced contract to be recent, it must be active or have been completed within the past five years. Id. When determining whether a referenced contract was relevant, the RFQ set forth a four-tier adjectival rating scale, consisting of "very relevant," "relevant," "somewhat relevant," and "not relevant" ratings. Id. A referenced contract would be considered "very relevant" when the effort involved "essentially the same scope and magnitude of effort and complexities this solicitation requires." Id.

When assessing relevance, the evaluators compared the referenced contracts to the incumbent contract. COS at 8. The incumbent contract had an estimated dollar value of \$4.3 million, and involved an estimated 20,000 airfield operations (*i.e.*, arrivals/departures) per year. AR, Tab 23, Past Performance Report at 1. To be considered "very relevant," the agency determined, among other things, that a referenced contract must involve an estimated dollar value of at least \$2 million, and at least 5,000 airfield operations per year. Id. at 2; COS at 9. When reviewing LOGMET's referenced contracts, the agency assigned "very relevant" ratings because both contracts exceeded the dollar value and airfield operations benchmarks, in addition to exceeding the remaining benchmarks. AR, Tab 23, Past Performance Report at 9-13.

Triad argues that the agency unreasonably assigned "very relevant" ratings to LOGMET's quotation because the benchmarks are inconsistent with the evaluation criteria. In so arguing, Triad points out that one of LOGMET's referenced contracts was valued at \$2.5 million, and the other referenced contract involved just over 6,000 airfield operations per year. Protester's Comments at 4-10. In Triad's view, these contracts are not "essentially the same" in magnitude and complexity as the incumbent contract because they involve a far lower dollar value and fewer airfield operations. Id.

Even if the agency unreasonably evaluated LOGMET's past performance references as "very relevant" due to relaxed internal benchmarks, we do not find that the protester suffered any prejudice in this regard. Competitive prejudice is an essential element of a viable protest, and where the protester fails to demonstrate prejudice, our Office will not sustain a protest. Next Tier Concepts, Inc., B-406620.3, B-406620.4, Nov. 13, 2012, 2013 CPD ¶ 5 at 4. Assuming that the agency improperly evaluated LOGMET's referenced contracts as "very relevant" as opposed to simply "relevant," we do not conclude that any error in that regard was consequential because adjectival ratings are

merely guides to intelligent decision-making in the procurement process. See, e.g., LOUI Consulting Grp., Inc., B-413703.9, Aug. 28, 2017, 2017 CPD ¶ 277 at 5-6.

The record shows that, when making his tradeoff analysis, the SSA considered the relative merits of the competing quotations, including the dollar value and number of airfield operations for LOGMET's referenced contracts, and determined that the past performance confidence assessments were equal. AR, Tab 25, DD at 5, 10-11. Thus, even if the past performance evaluators assigned relevancy ratings which were inconsistent with the solicitation criteria, such error does not show that the SSA somehow failed to appreciate the comparative merit of the quotations. Furthermore, the protester has provided us with no basis to question the agency's representation that the SSA looked beyond the adjectival ratings, nor has it argued that had it known of the relaxed internal benchmarks, it would have submitted different past performance information. See Lockheed Martin Corp., B-411365.2, Aug. 26, 2015, 2015 CPD ¶ 294 at 14 (a protester must show that it would have altered its proposal to show prejudice from an agency's relaxation of solicitation terms and conditions). Accordingly, we deny the protest allegation.

Triad also argues that LOGMET's referenced efforts were not similar in terms of complexity because the referenced efforts included different technical requirements. Triad points out that one of LOGMET's referenced contracts involved only daytime management of the airfield, while the instant acquisition requires continuous (*i.e.*, 24/7) management of the airfield, and had significantly different performance work statement (PWS) requirements. Protester's Comments at 14-16. As to the other referenced contract, Triad argues that one of the Contractor Performance Assessment Reports (CPAR) indicates that the technical complexity for that requirement was "Low," while the technical complexity for the instant acquisition is "Medium." Id. at 20.

On this record, we find no basis to sustain the protester's allegations. The record shows that the agency determined that LOGMET's referenced contracts were similar in terms of complexity based on the number of airfield operations, systems proficiency, and types of inspections. AR, Tab 23, Past Performance Evaluation at 9-13. Further, Triad critically fails to identify any language in the solicitation's evaluation criteria specifying that the agency would mechanically compare technical requirements or use the CPAR description of the technical effort in order to assess complexity. Cf. Gulf Civilization General Trading & Contracting Co., B-417586, Aug. 23, 2019, 2019 CPD ¶ 300 at 6 (agency reasonably determined awardee's referenced efforts were relevant based on the solicitation's evaluation criteria, even though the referenced efforts were not identical to the PWS technical requirements). Although Triad argues that the solicitation's instructions indicated that the relevancy table would "assist" the agency in assessing past performance, our Office has previously found that information provided in a solicitation's instructions to offerors section does not dictate the agency's evaluation as if that information were contained in the evaluation criteria. Protester's Comments at 10-11; see also STAcqMe LLC, B-417128, Feb. 25, 2019, 2019 CPD ¶ 95 at 4. Accordingly, we deny the protest allegation because Triad has not demonstrated that the agency's evaluation was inconsistent with the terms of the solicitation.

## Source Selection Decision

Finally, Triad argues that the agency's source selection decision was unreasonable because LOGMET's past performance evaluation was flawed. The firm argues that the agency effectively converted this procurement from a best-value tradeoff analysis into a lowest-priced, technically acceptable source selection because it intentionally misevaluated LOGMET's past performance. Protester's Comments at 21. It also argues that the agency's best-value decision was improper because it was based on an unreasonable past performance evaluation. Id. at 21-22. We dismiss both of these allegations because they are derivative of the protester's challenge to the past performance evaluation. Safeguard Base Operations, LLC, B-415588.6, B-415588.7, Dec. 14, 2018, 2018 CPD ¶ 426 at 4 (derivative allegations do not establish independent bases of protest).

The protest is denied.

Thomas H. Armstrong  
General Counsel