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Decision

Matter of: Verizon Business Network Services, LLC

File: B-420945.2; B-420945.4

Date: November 17, 2022

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David A. Edelstein, Esq., Christopher Alwood, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that source selection authority (SSA) failed to consider benefits of protester's proposal is denied where the record demonstrates that the SSA considered these features and reasonably concluded that the awardee's proposal was technically superior.
 2. Protest that agency did not evaluate the quality of performance of offerors' past experience examples is denied where the solicitation did not require such an evaluation.
 3. Protest that agency incorrectly compared the experience of offerors' proposed key personnel is denied where, although the agency erred in its evaluation, the protester cannot demonstrate prejudice from the error.
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DECISION

Verizon Business Network Services LLC, of Ashburn, Virginia, protests the issuance of a task order to AT&T Corp., of Oakton, Virginia, under task order request for proposals (TORP) No. 70T03021R7667N003, issued by the Department of Homeland Security, Transportation Security Administration (TSA), for telecommunications network services. The protester alleges that the agency unreasonably evaluated offerors' proposals under the non-price evaluation factors.

We deny the protest.

BACKGROUND

On September 23, 2021, the agency issued the TORP under the General Services Administration's Enterprise Infrastructure Solutions multiple award indefinite-delivery, indefinite-quantity contract. Contracting Officer's Statement at 1-2. The TORP sought service and support for TSA's telecommunications network infrastructure, including voice, data, cellular, and high-speed internet access services. *Id.* at 1; see Agency Report (AR), Tab 4, TORP at 14953.¹ The scope of the required services was defined in a Statement of Work (SOW). TORP at 14893-920.

The solicitation contemplated the issuance of a single task order consisting of fixed-price with economic price adjustment and time-and-materials contract line items. TORP at 14881. Award would be made on a best-value tradeoff basis, considering price and three non-price factors, listed in descending order of importance: technical approach; performance management; and past experience. *Id.* at 14952. When combined, the non-price factors were more important than price. *Id.*

For the technical approach factor, the TORP instructed offerors to address their proven capability to provide the SOW's services, their proposed technical solution, their approach to modernization, their plan to improve or maintain performance and reliability, their information/cyber security solution, and the speed of their proposed broadband access. *Id.* at 14942-43. The agency would evaluate this factor by "determin[ing] its level of confidence that the [o]fferor will successfully perform the requirements described in this solicitation," based on the TORP's instructions and the requirements of the SOW. *Id.* at 14954.

For the performance management factor, the agency was to assess its confidence of successful performance based on the SOW requirements and the TORP's instructions. *Id.* at 14955. Offerors were instructed to address, among other items, their approaches to network monitoring, risk management, and quality assurance, as well as their proposed staffing and organizational structure. *Id.* at 14943.

For the past experience factor, the TORP instructed offerors to "provide three examples to describe [their] specific past experience conducting work of similar size, scope and complexity regarding the requirement in the SOW." *Id.* at 14944. The solicitation stated this factor would be evaluated as follows:

The [o]fferor will be evaluated with respect to its past experience of projects similar in size and scope to the requirements in this solicitation. This assessment will consider the three (3) examples provided by the [o]fferor. The [g]overnment

¹ The TORP was amended four times; citations to the TORP are to the conformed copy through amendment 3, located at AR, Tab 4. Unless otherwise noted, all citations to the record are to the consecutive numbering of the pages in the Adobe PDF documents provided by the agency.

will evaluate past experience with a focus on network, voice, and service management performance that is similar to the requirements of this solicitation.

Id. at 14955. Of relevance to this protest, offerors were required to provide reference contact information for each example, and the TORP stated that “[r]eferences may or may not be contacted to rate past . . . experiences with regard[] to the quality of services provided, timeliness of processing requests, management of projects and sub-contractors, and overall customer satisfaction.” *Id.* at 14944-45.

The agency received proposals from four offerors, including Verizon and AT&T. AR, Tab 14, Source Selection Decision Memorandum (SSDM) at 1. The agency convened a technical evaluation team (TET) to review proposals on the non-price factors. AR, Tab 13, Source Selection Evaluation Board (SSEB) Memorandum at 15670. With respect to each proposal, the TET produced a technical consensus report--a large spreadsheet which listed each of the SOW's requirements, quoted the portions of the proposal that addressed the requirement, explained whether the proposal met or did not meet the requirement, and identified strengths and weaknesses in the proposal. See, e.g., AR, Tab 25, Verizon Technical Consensus Report. The TET also produced a technical evaluation summary for each offeror, which contained a summary of the TET's findings. AR, Tab 11, Verizon Technical Evaluation Summary; AR, Tab 22, AT&T Technical Evaluation Summary.

The TET assigned both Verizon's and AT&T's proposals ratings of “good” for the technical approach factor, “outstanding” for the performance management factor, and “high confidence” for the past experience factor.² AR, Tab 11, Verizon Technical Evaluation Summary at 15645; AR, Tab 22, AT&T Technical Evaluation Summary at 16073.

The next step in the agency's evaluation was an analysis by the SSEB, which reviewed the TET's evaluation of each proposal and performed comparative technical assessments of each offeror against the others. AR, Tab 13, SSEB Memorandum at 15670-71. In comparing AT&T and Verizon on the technical approach factor, the SSEB discussed two areas in which the offerors received similar strengths, along with two strengths that were unique to Verizon's proposal and seven strengths that were unique to AT&T's proposal. *Id.* at 15684. The SSEB also identified one weakness in Verizon's proposal, and none in AT&T's. *Id.* at 15684-85. The SSEB concluded that AT&T offered a better technical approach than Verizon. *Id.* at 15685.

For the performance management factor, the SSEB noted that Verizon and AT&T both received strengths for their key personnel and that each had received one unique

² The possible ratings for the technical approach and performance management factors, in descending order of merit, were: outstanding, good, satisfactory, and unsatisfactory. AR, Tab 6, Source Selection Plan at 15141. The possible ratings for the past experience factor were: high confidence, some confidence, and low confidence. *Id.* at 15141-42.

strength in its respective proposal. *Id.* The SSEB concluded that Verizon's unique strength--a transition plan resulting in a [DELETED]-month transition rather than AT&T's proposed [DELETED] months--was a greater value to TSA, rendering Verizon's proposal a better value with respect to this evaluation factor. *Id.*

For the past experience factor, the SSEB concluded that, while both Verizon and AT&T received a rating of high confidence, AT&T's past experience examples showed both closer alignment to the tasks required by the SOW and higher contract values. *Id.* at 15686. On this basis, the SSEB concluded that AT&T's past experience was superior. *Id.*

Because it determined that AT&T's proposal was superior to Verizon's under two of the three technical factors, including the most important factor (technical approach), the SSEB concluded that AT&T had the better overall technical proposal. *Id.* With respect to price, AT&T's total evaluated price was \$294.3 million; Verizon's was \$360.6 million. *Id.* at 15691-92. Accordingly, since the SSEB found AT&T to be both technically superior to Verizon and lower priced, the SSEB recommended award to AT&T.³

After the SSEB completed its review, the source selection authority (SSA) independently reviewed offerors' proposals and the TET and SSEB reports, and met with the SSEB to discuss its findings. AR, Tabs 27-28, SSA Emails with SSEB. On July 8, the SSA determined that award to AT&T would provide the best overall value to the agency, and documented the basis for this determination in the SSDM. AR, Tab 14, SSDM.

In the SSDM, the SSA explained that he found reason to change some of the TET's findings with respect to both Verizon's and AT&T's proposals. For instance, where the TET had assigned nine strengths to AT&T's proposal under the technical approach factor, the SSA determined that two of these strengths were duplicative of each other and actually represented "one [s]trength found in two distinct sections of [the technical approach factor]." *Id.* at 15700. He also identified one additional strength in AT&T's proposal that the TET had not assessed. *Id.* Where the TET had assigned a weakness to Verizon's proposal related to the availability of dark fiber service near a specific TSA facility, the SSA determined that Verizon proposed an acceptable alternative such that "the risk of unsuccessful performance is low and . . . mitigation will not require application of additional government resources." *Id.* at 15700-01. He therefore found this feature of Verizon's proposal not to be a weakness. *Id.* at 15700. With respect to the performance management factor, the SSA assessed an additional strength to both Verizon's and AT&T's proposals for proposing a portal with a [DELETED]. *Id.* at 15700, 15702.

³ A third offeror was lower priced and lower technically rated than AT&T, and the SSEB discussed a trade-off analysis between AT&T and that offeror. AR, Tab 13, SSEB Memorandum at 15693-94. The fourth offeror was found unawardable and was not considered in the SSEB's analysis. *Id.* at 15671.

Like the SSEB, the SSA concluded that AT&T's proposal was technically superior to Verizon's on both the technical approach and past experience factors. *Id.* at 15700, 15703. Unlike the SSEB, the SSA determined that Verizon's and AT&T's proposals were of equal merit with respect to the performance management factor. In this regard, the SSA wrote:

[R]eview of AT&T's key personnel shows AT&T's key persons have more experience than those identified in Verizon's proposal; however, Verizon's proposed [transition] timeline is [DELETED] months shorter than that proposed by AT&T ([DELETED] months and [DELETED] months respectively). Though Verizon's [transition] is [DELETED] months less than AT&T's, the [DELETED]-month difference does not warrant considering Verizon's proposal more advantageous than AT&T's. Similarly, the additional experience of AT&T's key personnel does not warrant considering AT&T's proposal more advantageous than Verizon's.

Id. at 15702.

With respect to the experience of key personnel discussed in this finding, the SSA noted that Verizon's key personnel had "a combined total of [DELETED] years of direct TSA experience and [DELETED] years of Verizon experience," while AT&T's key personnel had "a combined total of [DELETED] years of experience." *Id.* at 15702-03.

Based on this analysis of the three evaluation factors, the SSA concluded that AT&T offered the best overall technical proposal. *Id.* at 15704. The SSA noted that "AT&T's technical approach surpasses Verizon's technical approach, offering more impactful technical benefits to TSA at a price that is approximately \$66M less than Verizon's." *Id.*

On August 1, the agency issued the task order to AT&T. AR, Tab 15, Award Notice to AT&T. This protest followed.⁴

DISCUSSION

Verizon challenges the agency's conclusion that AT&T's proposal was technically superior to Verizon's proposal. The protester alleges that the agency unreasonably failed to consider certain strengths and benefits in Verizon's proposal, failed to evaluate the quality of offerors' past experience, and relied on a factually incorrect belief regarding the relative experience of offerors' key personnel.

In reviewing protests of awards in task order competitions, we do not reevaluate proposals, but examine the record to determine whether the evaluations and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Imagine One Tech. & Management, Ltd.*, B-412860.4, B-412860.5, Dec. 9, 2016, 2016 CPD ¶ 360 at 4-5. A

⁴ Because the value of the protested task order exceeds \$10 million, this protest is within our jurisdiction. 41 U.S.C. § 4106(f)(1)(B).

protester's disagreement with the agency's judgment regarding the evaluation of offerors' proposals, without more, is not sufficient to establish that the agency acted unreasonably. *Id.*

We have considered all of Verizon's challenges to the agency's award decision. While our decision does not specifically address every argument, we conclude that none provides a basis to sustain the protest.⁵

The SSA's Consideration of Identified Strengths and Benefits in Verizon's Proposal

Verizon contends that the agency's tradeoff unreasonably failed to consider certain strengths and "benefits" that the TET identified in Verizon's proposal. As discussed further below, this includes two identified strengths under the past experience factor as well as six purported benefits under the technical approach and performance management factors.

The agency contends that the SSA reasonably considered these features of Verizon's proposal in making the tradeoff decision, and that the SSA was not required to contemporaneously document his conclusions that certain features of Verizon's proposal did not warrant the assessment of strengths. We agree with the agency and find no basis to sustain this aspect of Verizon's protest.

Evaluated Strengths (Past Experience Factor)

With respect to the agency's evaluation of past experience, Verizon contends that the TET and SSEB identified certain strengths in Verizon's proposal and that the SSA ignored these evaluated strengths. Comments & Supp. Protest at 23-24. In this regard, the TET identified two strengths in Verizon's proposal related to the size, scope, and complexity of Verizon's past experience examples. AR, Tab 25, Verizon Technical Consensus Report at cells D353. The strengths were not repeated or directly discussed in the technical evaluation summary, the SSEB's recommendation, or the SSDM. AR, Tab 11, Verizon Technical Evaluation Summary; AR, Tab 13, SSEB Memorandum; AR, Tab 14, SSDM.

The agency argues that the contemporaneous record demonstrates that the SSA considered these strengths and reasonably concluded that the size, scope, and complexity of AT&T's past experience examples made AT&T's past experience superior to Verizon's. We find this argument persuasive.

⁵ Verizon withdrew protest allegations relating to the acceptability of AT&T's price proposal, the agency's evaluation of price, several aspects of the agency's evaluation of Verizon's and AT&T's non-price proposals, and the agency's documentation of its best-value tradeoff decision. See Comments & Supp. Protest at 2; Supp. Comments at 3-4.

Specifically, in the SSDM, the SSA wrote that AT&T's past experience examples "showed greater value and duration" than Verizon's and "align[ed] closer to the TSA's . . . requirements." See AR, Tab 14, SSDM at 15703. The SSA supported this conclusion with a table and narrative showing that AT&T's examples had an average duration of [DELETED] years and average value of \$[DELETED], while Verizon's examples had an average duration of [DELETED] years and average value of \$[DELETED].⁶ *Id.* Similarly, AT&T's examples included between 72% and 92% of the SOW's requirements (between 18 and 23 of the 25 requirements listed in the SOW), with an average alignment of 82%; Verizon's examples included between 68% and 88% of the SOW's requirements (between 17 and 22 of the 25 requirements), with an average alignment of 74%. *Id.* On this basis, the SSA concluded that "the examples provided by the [other] offerors are overshadowed by AT&T's examples." *Id.*

In this context, it is clear that the SSA did not ignore the past experience strengths found by the TET in Verizon's proposal. Rather, the SSA looked at features of Verizon's proposal to which these strengths related (*i.e.*, the size, scope, and complexity of Verizon's past performance examples) and qualitatively compared them against similar features described in AT&T's proposal. This is consistent with our Office's well-established guidance that an agency's evaluation is not to be based upon a mathematical counting of strengths and weaknesses, but rather, on a qualitative assessment of the relative merits of the competing proposals. *SRA Int'l, Inc.*, B-407709.5, B-407709.6, Dec. 3, 2013, 2013 CPD ¶ 281 at 12-13. Whether proposal features are considered as "strengths" is immaterial provided that the agency considered the qualitative merits of the proposal features. *Id.* at 13. Here, the SSA's clearly considered the relative merits of Verizon's and AT&T's proposals with respect to past experience.

On the basis of the SSA's consideration of the proposals' relative merit, the SSA made and documented a determination that AT&T's past experience was superior to Verizon's. Verizon has provided no basis for our Office to conclude that the SSA's judgment in this regard was unreasonable. *Imagine One, supra* at 4-5. Accordingly, we deny this aspect of Verizon's protest.

Purported Technical Benefits Identified by the TET

The protester also argues that the SSA unreasonably ignored benefits that the evaluation team assessed in Verizon's proposal under the technical approach and performance management factors. In this regard, Verizon identifies six features of its proposal that the TET described as providing some benefit to the agency, but which the TET did not designate as strengths. Comments & Supp. Protest at 25 (citing AR, Tab 25, Verizon Technical Consensus Report at cell C345), at 31-32 (citing AR, Tab 25,

⁶ A typographical error in the SSDM identifies all of these statistics as representing AT&T's examples. However, it is clear from context (and verifiable by calculation) that the [DELETED] year and \$[DELETED] figures reflect the SSA's evaluation of Verizon's proposal.

Verizon Technical Consensus Report at cell C137). The SSA did not mention these features in the SSDM, and unlike the past experience strengths discussed above, it is not evident from the contemporaneous record that the SSA considered these proposal aspects in making his award decision.

Verizon alleges that the SSA unreasonably failed to take these benefits into account in making the best-value tradeoff decision. The agency contends that the SSA was not required to contemporaneously document his determination that these features were not strengths. Further, the agency argues that the SSA did, in fact, review these proposal aspects and reasonably determined that they did not rise to the level of strengths--which the source selection plan defined as "aspect[s] of the proposal that increase[] the likelihood of successful contract performance." AR, Tab 6, Source Selection Plan at 15145.

At its core, this aspect of Verizon's protest is a challenge to the SSA's determination and documentation regarding whether certain features of Verizon's proposal exceeded the solicitation's requirements sufficiently to merit consideration as strengths. We note that 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.*, Jul. 3, 2019, 2019 CPD ¶ 246 at 17. In addition, source selection officials are not bound by the evaluation judgments of lower level evaluators; our decisions explain that source selection officials may reasonably disagree with the ratings and recommendations of evaluators, provided that their independent judgments are reasonable, consistent with the stated evaluation scheme, and adequately documented. *IBM Corp.*, B-417664, Sept. 18, 2019, 2019 CPD ¶ 327 at 6-7. Our Office's overriding concern is not whether an agency's final evaluation conclusions are consistent with earlier evaluation conclusions, but whether they are reasonable and consistent with the stated evaluation criteria, and reasonably reflect the relative merits of the offeror's submissions. *Level 3 Communications LLC*, B-412854, *et al.*, Jun. 21, 2016, 2106 CPD ¶ 171 at 10 n. 14.

Considering these principles, we find that the SSA was under no obligation to contemporaneously document his determination that certain Verizon proposal features did not merit the assessment of strengths, even where the TET had identified these features as potentially beneficial to the agency. Instead, we review the SSA's evaluation conclusions for reasonableness on their own merits.

In this instance, the record demonstrates that the SSA came to reasonable evaluation conclusions, informed by a thorough and independent review of the proposals and evaluations. AR, Tab 14, SSDM at 15699-704. Specifically, the contemporaneous record reflects that, in addition to the TET and SSEB reports, the SSA requested and reviewed the individual proposals "so that [he could] better understand them and what the TET . . . determined." AR, Tab 27, Email from SSA at 1. The SSA's meaningful independent review is further demonstrated by his identification of additional strengths in both Verizon's and AT&T's proposals, his determination that a TET-assessed weakness in Verizon's proposal was only a minor risk, and his removal of an AT&T strength that he found to be duplicative. AR, Tab 14, SSDM at 15700-02.

Moreover, in a post-protest declaration, the SSA explained why he did not find that any of the six identified features of Verizon's proposal increased the likelihood of successful contract performance.⁷ SSA Declaration at 1-3. Where, as here, an agency's determination that a specific feature of a proposal does not warrant a strength is not contemporaneously documented, our Office may look to post-protest explanations to review whether the evaluation was reasonable and consistent with the stated evaluation criteria. *Tech Marine Business*, B-420872, *et al.*, Oct. 14, 2022, 2022 CPD ¶ 260 at 6. Our Office generally will consider declarations that provide a detailed rationale for contemporaneous conclusions and fill in previously unrecorded details, so long as the explanations are credible and consistent with the contemporaneous record. *Erickson Aero Tanker*, B-411306.2, B-411306.5, July 29, 2015, 2015 CPD ¶ 226 at 9 n. 6. We find the SSA's explanations here to be both reasonable and consistent with the contemporaneous record.

As a representative example, with respect to the performance management factor, the TET found that Verizon's plan to transition [DELETED] by [DELETED] would result in less disruption. AR, Tab 25, Verizon Technical Consensus Report at cell C345. In explaining why he did not find that this particular feature of Verizon's proposal warranted the assessment of a separate strength, the SSA explained that it would benefit the agency only during the "transition" phase of the contract and that Verizon had already received a strength for its short transition period. SSA Declaration at 2. This explanation is consistent with the contemporaneous record, which shows that the TET, SSEB, and SSA all considered and accounted for the benefits arising from Verizon's shorter transition timeline in their respective analyses. AR, Tab 11, TET Evaluation Summary at 2; AR, Tab 13, SSEB Memorandum at 18; AR, Tab 14, SSDM at 5. We note further that Verizon did not contest the SSA's explanation that Verizon's approach to [DELETED] transition did not warrant a separate strength. See Resp. to SSA Declaration at 1-12. Verizon has therefore not shown that the SSA's determination was unreasonable.

Similarly, with respect to the technical approach factor, the TET wrote: "[Verizon] provided [a] listing of the [DELETED] available at TSA [s]ite [c]ategories in [the TORP]/SOW which benefits TSA by knowing [the] availability for proper deployment planning." AR, Tab 25, Verizon Consensus Technical Report at cell C137. Here, the SSA explains that each "site category" identified in Verizon's proposal includes multiple facilities--with several site categories that include over 100 specific locations. SSA Declaration at 2. Accordingly, notwithstanding the information provided in Verizon's proposal, TSA's deployment planning will still require analysis of the [DELETED]

⁷ Our Office requested this supplemental declaration from the SSA addressing whether he considered the above features of Verizon's proposal identified by the TET, and if, so, explaining why he determined that they did not represent benefits to the agency. GAO Notice to Parties, Oct. 27, 2022.

available at each specific location and any requirements (such as construction costs) needed to implement specific [DELETED] types at those locations. *Id.*

Verizon argues that the importance of location-specific information does not negate the benefit provided by the “macro view” and “enhanced starting point” that its proposal provided. Resp. to SSA Declaration at 11. We find that this argument amounts to disagreement with the agency’s judgment, but does not demonstrate that the SSA’s conclusion was otherwise unreasonable. See *Imagine One, supra* at 4-5. In this regard, we credit the SSA’s explanation that the information provided by Verizon’s proposal was not sufficient to meaningfully inform future deployment planning.

Having reviewed these representative examples and the SSA’s explanations regarding the other four purported benefits of Verizon’s proposal, we find nothing unreasonable in the SSA’s determination that these features did not increase the likelihood of Verizon’s successful performance of the contract. Accordingly, we deny this aspect of Verizon’s protest.

Past Experience Quality Evaluation

With respect to the past experience factor, Verizon argues that the agency was required to—and did not—consider the quality of the services that offerors provided to their customers, as represented in the offerors’ past experience examples. Comments & Supp. Protest at 22-23.

In support of this argument, Verizon notes that the TORP required offerors to provide contact information for each past experience reference and stated that “[r]eferences may or may not be contacted to rate past . . . experiences with regard[] to the quality of services provided.” TORP at 14944-45. Verizon argues that this placed service quality “within the scope of the ‘[p]ast [e]xperience’ factor,” and that the agency was therefore required to evaluate past experience projects for quality. Comments & Supp. Protest at 22. The agency argues that the language of the solicitation did not require it to evaluate the quality of offerors’ past experience. We find the agency’s argument persuasive.

An agency’s evaluation under a past experience factor is generally distinct from its evaluation of past performance. *VariQ-CV JV, LLC*, B-418551, B-418551.3, June 15, 2020, 2020 CPD ¶ 196 at 5. The former focuses on the degree to which an offeror actually has performed similar work, whereas the latter focuses on the quality of the work performed. *Id.*

Here, the evaluation criteria for the past experience factor provided only that each offeror “will be evaluated with respect to its past experience of projects similar in size and scope to the requirements in this solicitation.” TORP at 14955. Further, the TORP specifically stated that references “may or may not be contacted” regarding quality.

Id. at 14945. Under the language of the TORP, the agency was not required to evaluate the quality of past experience.⁸ Verizon's protest on this basis is denied.

Key Personnel Experience

Verizon argues that the agency's award decision was based on an incorrect understanding of the experience of offerors' proposed key personnel, which was part of the evaluation of the performance management factor. Specifically, the SSA compared the experience of Verizon's key personnel, who had "[DELETED] years of direct TSA experience and [DELETED] years of Verizon experience," against the experience of AT&T's personnel, who had "a combined total of [DELETED] years of experience." AR, Tab 14, SSDM at 15702-03. Based on this comparison, the SSA concluded that AT&T's personnel were more experienced.

Verizon notes that this is an "apples-to-oranges" comparison--comparing the "total" experience of AT&T's personnel against either the "Verizon experience" or the "direct TSA experience" of Verizon's personnel. Verizon further contends that its key personnel actually had [DELETED] years of combined total experience, *i.e.*, more total experience than AT&T's personnel. Comments & Supp. Protest at 29-31; Comments & Supp. Protest, exh. A, Verizon Key Personnel Resumes. The agency concedes the SSA's mistake, but argues that Verizon was not prejudiced by it. Supp. Memorandum of Law at 12. We agree.

Competitive prejudice is an essential element of a viable protest; where the protester fails to demonstrate that, but for the agency's actions, it would have had a substantial chance of receiving the award, there is no basis for finding prejudice, and our Office will not sustain the protest. *Engility Corp.*, B-413120.3, *et al.*, Feb. 14, 2017, 2017 CPD ¶ 70 at 17.

Here, as discussed above, the SSA found AT&T's proposal to be technically superior to Verizon's under the most important evaluation factor (technical approach). AT&T's advantage was significant under this factor: the SSA identified nine strengths (five unique) and no risks or weaknesses in AT&T's proposal, to Verizon's four strengths and one risk. AR, Tab 14, SSDM at 15699-701. The SSA also found AT&T's proposal technically superior to Verizon's on the third most important factor (past experience). *Id.* at 15703. We have denied all of Verizon's challenges to those conclusions. Accordingly, the most favorable outcome that Verizon could achieve from correction of

⁸ Verizon notes that the Source Selection Plan provided that the agency would evaluate "customer satisfaction." See AR, Tab 6, Source Selection Plan at 15109. However, our Office has found that source selection plans do not give outside parties any rights, because "it is the evaluation scheme in the solicitation, not internal documents, to which the agency is required to adhere in evaluating proposals and making the source selection." *DynCorp Int'l LLC, AAR Supply Chain, Inc.*, B-415837 *et al.*, Apr. 12, 2018, 2018 CPD ¶ 157 at 10.

the key personnel experience error would be a slight advantage over AT&T under the performance management factor, while AT&T remained technically superior under the most important evaluation factor (technical approach) and under the past experience factor.

Under these circumstances, even if the agency had properly found Verizon's personnel to have more experience than AT&T's, we see no reasonable possibility that this would have resulted in the SSA finding Verizon's proposal to be technically superior overall.⁹ See, *A-Tek, Inc.*, B-404581.3, Aug. 22, 2011, 2011 CPD ¶ 188 at 10. Because AT&T was also lower priced, no tradeoff between Verizon and AT&T would have been required. *Catalyst Sols., LLC*, B-416804.3, B-416804.4, April 4, 2019, 2019 CPD ¶ 134 at 6 (“[I]nsofar as [awardee] would remain both higher technically-rated and lower-priced than [protester], no price/technical tradeoff would be required as part of the SSA’s determination that [awardee’s] proposal represented the overall best value to the government.”).

Accordingly, we conclude that Verizon cannot demonstrate competitive prejudice from this error.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

⁹ Notably, Verizon concedes this, stating: “Verizon does not contend that . . . the [performance management factor] errors *alone* would be enough to demonstrate prejudice,” rather, “taking the [a]gency’s [performance management factor] error . . . together with any of the errors in [the technical approach or past experience factors], there is a reasonable possibility that Verizon was prejudiced.” Supp. Comments at 27. Our Office also notes that the SSEB in fact found Verizon to be superior under the performance management factor, but nonetheless concluded that AT&T was technically superior overall. AR, Tab 13, SSEB Memorandum at 15685-86.