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Decision

Matter of: Avantus Federal, LLC

File: B-423010

Date: January 2, 2025

Carla Weiss, Esq., Logan Kemp, Esq., and Annie Hudgins, Esq., Nichols Liu, LLP, for the protester.

James Y. Boland, Esq., Lindsay M. Reed, Esq., Emily R. Marcy, Esq., and Kelly M. Boppe, Esq., Venable LLP, for the intervenor.

Gabriel E. Kennon, Esq., Javier Farfan, Esq., and Patrick J. Madigan, Esq., Department of Homeland Security, for the agency.

Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency's assessment of risks in protester's proposal under the corporate experience evaluation factor was reasonable and consistent with the terms of the solicitation.
 2. Agency's consideration of awardee's price in making the source selection decision was reasonable and consistent with the terms of the solicitation.
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DECISION

Avantus Federal, LLC, of McLean, Virginia, protests the Department of Homeland Security's issuance of a task order to Salient CRGT, Inc., pursuant to request for proposals (RFP) No. 70CDCR24R00000009, to provide "analytic and program management services in support of the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) Directorate." Agency Report (AR), Tab 1, Initial RFP at 1.¹ Avantus challenges the agency's evaluation of Avantus's proposal under the corporate experience factor and the agency's evaluation of Salient's proposed price.

We deny the protest.

¹ The page numbers referenced in this decision are the Adobe PDF page numbers rather than the page numbers appearing on the face of the documents submitted.

BACKGROUND

On April 4, 2024, pursuant to the provisions of section 16.505 of the Federal Acquisition Regulation (FAR), the solicitation was issued to contractors holding General Services Administration OASIS (One Acquisition Solution for Integrated Services) contracts.² The solicitation contemplated award of a single fixed-price labor-hour task order³ to perform a wide range of support services,⁴ and provided that source selection would be based on a best-value tradeoff between the following evaluation factors: corporate experience, technical/management approach, and price.⁵ AR, Tab 13, RFP amend. 002 at 11-12.

The solicitation also provided that the procurement would be conducted in two phases. In phase I, offerors submitted proposals to be evaluated under the corporate experience factor; after evaluation of the phase I proposals, the agency made advisory down-select recommendations to the offerors regarding whether they should proceed to phase II. In phase II, each offeror submitted its proposed technical/management approach, followed by a 90-minute oral presentation, and submitted its price proposal using a “pricing workbook” that was included in the solicitation. *Id.* at 5-9.

² The solicitation was issued under the “Unrestricted Pool” of the OASIS program. AR, Tab 1 RFP at 1.

³ The solicitation also provided that “direct costs/travel and a contract access fee will be awarded on a reimbursable basis.” AR, Tab 13, RFP amend. 002 at 3.

⁴ The services include “capacity forecasting and planning support, capacity expansion planning, standardized reporting development support services, data analysis support, reporting and analysis, detention facility evaluation, subject matter expertise, financial analysis, and rating, operational ad-hoc reporting, detention facility and compliance support, process and database optimization, detention standards and compliance management support, quality assurance support, analysis of program metrics, forecasting, and projections support, data management support, historical program data management, data request support, presentation material development, communications, branding, and organizational management support, human resources and workforce management support, contract quality assurance, and developing reports and other deliverables.” AR, Tab 14, Statement of Work (SOW) at 1.

⁵ The solicitation provided that the corporate experience factor was significantly more important than the technical/management approach factor and that, combined, the non-price factors were significantly more important than price. AR, Tab 13, RFP amend. 002 at 12.

With regard to the corporate experience factor, offerors were permitted to submit information regarding up to four recent projects⁶ that demonstrated their relevant experience. *Id.* at 6. The solicitation provided that the agency would “evaluate the extent to which an offeror has demonstrated relevant experience within the last five (5) years performing projects similar in size, scope, and complexity to this requirement.” *Id.* at 12. Based on its evaluation of each offeror’s demonstrated experience, the agency assigned confidence ratings of high confidence, some confidence, or low confidence.⁷ *Id.* at 13.

With regard to the technical/management approach factor, the solicitation identified various elements that offerors were expected to address, including a proposed 60-day transition plan, and provided that the agency would assess each offeror’s proposed technical/management approach and oral presentation with regard to its “effectiveness, completeness, and the validity of the proposed technical and management approaches to meet the requirements of the solicitation.” *Id.* at 8, 12. Based on the evaluation of this factor, the solicitation again provided that the agency would assign ratings of high confidence, some confidence, or low confidence.⁸

With regard to price, the solicitation contained an attachment that listed multiple labor categories, with differing seniority levels, along with an estimated/ceiling number of hours applicable to each listing. AR, Tab 17, RFP attach. 4, Pricing Workbook. The solicitation directed offerors to submit fully-loaded labor rates for each listed labor category/seniority level, and further stated: “Offerors must propose to and may not deviate from the [labor categories, seniority levels, and number of labor hours listed].” AR, Tab 13, RFP amend. 002 at 9.

With regard to evaluation of price, the solicitation stated:

The Government will evaluate pricing proposals for mathematical accuracy of the calculations. The price evaluation will also assess the fair[ness] and reasonableness of the proposed total price, including all option periods in accordance with FAR 16.505. . . . The results of the price evaluation may also be used as an aid in determining each offeror’s understanding of the technical requirements of the solicitation.

Id. at 12.

⁶ To be evaluated as recent, a project must have been “ongoing [or] . . . completed within the last five (5) years of the date of this solicitation.” *Id.* at 6.

⁷ The solicitation defined the confidence ratings as reflecting the extent to which “the offeror understands the requirement and will be successful in performing the requirement.” *Id.* at 13.

⁸ Again, the solicitation defined the ratings as reflecting the extent to which “the offeror understands the requirement and will be successful in performing the requirement.” *Id.*

On April 26, phase I proposals were submitted by five offerors, including Avantus and Salient. Thereafter, the agency evaluated the phase I proposals; assessed high confidence ratings to only Avantus’s and Salient’s proposals; and recommended that Avantus and Salient continue to phase II. On or before July 26, Avantus and Salient submitted their phase II proposals,⁹ and thereafter made oral presentations in which each described its technical/management approach. The agency evaluated the proposals as follows:

	Corporate Experience	Technical/Management Approach	Price
Avantus	High Confidence	High Confidence	\$132,442,481
Salient	High Confidence	High Confidence	\$106,714,768

AR, Tab 35, Source Selection Decision Document (SSDD) at 8.

In evaluating Avantus’s and Salient’s proposals under the corporate experience factor, the technical evaluation team (TET) identified multiple aspects of each offeror’s experience that were viewed as beneficial to the government. More specifically, in assessing a high confidence rating for Avantus’s proposal under this factor, the TET identified nine aspects of its corporate experience that increased the agency’s confidence in Avantus’s successful performance, but also identified two aspects of the proposal that decreased the agency’s confidence. AR, Tab 31, TET Report (Avantus) at 2-4. Similarly, in assessing a high confidence rating for Salient’s proposal under this factor, the TET identified six aspects of Salient’s corporate experience that increased the agency’s confidence in Salient’s successful performance, but also identified one aspect of the proposal that decreased confidence. AR, Tab 60, TET Report (Salient) at 1-3.

In assigning high confidence ratings to both proposals under the technical/management factor, the TET identified multiple aspects of both proposals that increased the agency’s confidence in the offerors’ successful task order performance and did not identify any bases for decreased confidence in either proposal. AR, Tab 32, TET Report (Avantus) at 1-3; Tab 61, TET Report (Salient) at 1-3.

Finally, in evaluating the proposals under the price factor, the contracting officer¹⁰ concluded that each proposal “us[ed] the required hours and labor mix identified in the solicitation”; was “complete and [mathematically] accurate”; “appear[ed] balanced”; and was “found to be fair and reasonable.” AR, Tab 34, Price Evaluation Report at 6-7.

⁹ Avantus and Salient were the only offerors that submitted phase II proposals.

¹⁰ The contracting officer was also the source selection authority (SSA).

On September 10, the SSA selected Salient's proposal for award; prepared a SSDD that summarized the TET's evaluation of the two proposals;¹¹ and concluded:

Both offerors demonstrated relevant corporate experience performing projects similar in size, scope, and complexity to this requirement. There are minimal differences between the respective corporate experiences, especially in a way that would clearly identify an advantage or advantages for one offeror or the other. . . .

Both offerors proposed technical and management approaches that meet the requirements of the solicitation. Once again, similar to Factor 1 Corporate Experience, there are minimal differences between the respective approaches, especially in a way that would clearly identify an advantage or advantages for one offeror or the other. . . .

As noted above, both price proposals were determined to be reasonable, complete, accurate, and balanced. The total evaluated price of the proposal submitted by Avantus Federal LLC is \$25,727,713.02 or 24.11% higher than the total evaluated price of the proposal submitted by Salient CRGT, Inc. . . .

I determine that Avantus Federal LLC's proposal does not merit a price premium based on technical merit. Considering the near equality of each offeror on their non-price related proposal, there is no basis to award a price premium to the higher priced proposal submitted by Avantus Federal LLC. Therefore, I have determined the proposal submitted by Salient CRGT, Inc. provides best value for the government.

AR, Tab 35, SSDD at 10, 12-13.

Thereafter, Avantus was notified of the source selection decision. This protest followed.¹²

¹¹ The SSA stated that he "fully concur[red] with the TET's findings" and "adopted these findings for the best value tradeoff analysis." AR, Tab 35, SSDD at 8.

¹² As noted above, the total evaluated price of the task order at issue here exceeds \$10 million; accordingly, this procurement is within our jurisdiction to hear protests of task orders placed under civilian agency IDIQ contracts. 41 U.S.C. § 4106(f)(1)(B).

DISCUSSION

Avantus's protest challenges the agency's evaluation of Avantus's proposal under the corporate experience factor and asserts that the agency failed to properly evaluate Salient's proposed price. As discussed below, we find no basis to sustain the protest.

Evaluation of Avantus's Corporate Experience

Despite receiving the highest possible rating under the corporate experience factor, Avantus asserts that the agency's evaluation of Avantus's proposal under that factor was flawed due to the agency's identification of risks created by Avantus's insufficient demonstration of experience regarding the following two statement of work (SOW) requirements: (1) graphic design projects and (2) resource planning, execution, and management support.

Graphic Design Projects

First, the agency determined that Avantus's proposal "does not demonstrate sufficient experience" regarding graphic design projects.¹³ AR, Tab 31, TET Report (Avantus) at 3. More specifically, the agency concluded that Avantus's proposal "does not demonstrate sufficient experience with the development of infographics, presentations, fact sheets, and other design projects," elaborating that the proposal "only includes a brief reference" to having performed graphic design activities in one of its projects. *Id.*

Avantus asserts that its experience with graphic design projects was implicitly "reference[d]" in, or "inherently require[d]" by, other activities that were discussed in its proposal, including: "creation . . . of information pamphlets"; preparation of "individual program briefings, an overview portfolio summary . . . and new initiatives"; and "development of . . . presentations, . . . marketing materials, and briefing materials." Protest at 20-21. Accordingly, Avantus maintains that the agency's assessment regarding the insufficiency of Avantus's demonstrated experience was "untethered" from Avantus's proposal. *Id.* at 20.

The agency responds that its assessment of the highest possible rating for Avantus's proposal under the corporate experience factor was reasonable and consistent with the terms of the solicitation--noting that its evaluation properly recognized multiple positive aspects of Avantus's demonstrated corporate experience. Nonetheless, the agency maintains that its evaluation also properly reflected the proposal's failure to sufficiently demonstrate Avantus's experience with graphic design projects. In this context, the agency notes that the solicitation specifically advised offerors that the agency would evaluate "the extent to which an offeror has demonstrated relevant experience," and further notes that, while Avantus's proposal mentioned graphic design experience in

¹³ Among other things, the SOW states that the contractor "shall perform . . . the development of . . . graphic design projects," including "infographics" and "fact sheets." AR, Tab 14, SOW at 21.

one prior contract, it did so only in a “brief reference.” See AR, Tab 31, TET Report (Avantus) at 3. Accordingly, the agency maintains that it was reasonable, and consistent with the terms of the solicitation, to assess a risk related to this aspect of Avantus’s demonstrated corporate experience. Memorandum of Law (MOL) at 10-17.

In reviewing protests challenging the evaluation of proposals, we do not conduct new evaluations or substitute our judgment for that of the agency; rather, we examine the record to determine whether the agency’s judgment was reasonable and in accordance with the terms of the solicitation and applicable procurement statutes and regulations. See, e.g., *ANG Quality Testing, Ltd.*, B-418861, B-418861.2, Sept. 29, 2020, 2020 CPD ¶ 305 at 4. Further, it is an offeror’s responsibility to submit a well-written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation requirements. See, e.g., *Microwave Monolithics, Inc.*, B-413088, Aug. 11, 2016, 2016 CPD ¶ 220 at 6. More specifically, agencies are not required to infer information from an inadequately detailed proposal or to supply information that the protester did not provide. See, e.g., *Leach Mgmt. Consulting Corp.*, B-292493.2, Oct. 3, 2003, 2003 CPD ¶ 175 at 5 (rejection of protester’s argument that its experience should have been apparent).

Here, based on our review of the record, we find nothing unreasonable in the agency’s judgment that Avantus’s proposal failed to sufficiently demonstrate its experience in performing graphic design projects. As noted, the solicitation clearly stated that proposals would be evaluated regarding “the extent” to which they demonstrated relevant experience. See AR Tab 13, RFP amend. 002 at 2. Further, there can be no meaningful dispute that the solicitation sought each offeror’s demonstration of its experience in performing various activities, including graphic design projects. See AR, Tab 14, SOW at 12. Finally, we find unpersuasive Avantus’s assertions that the agency should have found that Avantus’s proposal demonstrated experience with graphic design projects through its discussion of other activities. As noted above, an offeror is responsible for submitting a well-written proposal, and an agency is not required to infer or supply information that the protester did not provide. Here, Avantus’s protest fails to provide a basis for concluding that the agency’s judgment was unreasonable, and its protest challenging this aspect of the agency’s evaluation is denied.

Resource Planning, Execution, and Management Support

Next, the agency determined that Avantus’s proposal “[did] not adequately address” its experience performing tasks related to “Resource Planning, Execution, and Management Support,” noting that, “[f]or example, the offeror demonstrated limited experience in developing resource action plans (RAP) and resource allocation decisions (RAD).”¹⁴ AR, Tab 31 TET Report (Avantus) at 3. The agency added that, while the

¹⁴ Under the heading “Resource Planning, Execution, and Management Support,” the SOW identified multiple required tasks, including the statement that the contractor “shall . . . assist the government with programming efforts, including development of resource
(continued...)

proposal “mentions resources, planning, and execution and work with customer leadership and end-to-end budget management support,” it provided “no specific details of what they did.” *Id.* Accordingly, the agency concluded that “[t]he lack of information and the offeror’s limited experience in developing RAPs and RADs is a risk to the government and negatively impacts the government’s confidence in the offeror’s ability to successfully perform all of ICE’s requirements.” *Id.*

Again, Avantus asserts that its proposal adequately demonstrated its experience performing the SOW tasks related to resource planning, execution and management support. While acknowledging that its proposal did not specifically address either RAPs or RADs, Avantus asserts that “a specific reference [to these requirements] was not required by the Solicitation.” Protester’s Comments at 12.

The agency responds by noting that the TET’s identification of Avantus’s failure to discuss its experience with RAPs and RADs was an example of the proposal’s “overall lack of detail” regarding the SOW’s resource planning, execution, and management support tasks. MOL at 19. Noting that this section of the SOW contained multiple specific tasks, the agency states that Avantus’s proposal referenced only a few of those tasks and, even then, its references were “conclusory at best.” *Id.* Accordingly, the agency maintains that it reasonably determined that Avantus’s proposal reflected a risk with regard to its demonstrated experience performing these requirements.

As noted above, it is an offeror’s responsibility to provide adequately detailed information in its proposal, and our Office will not conduct a new evaluation or substitute our judgment for that of the agency. *ANG Quality Testing, Ltd., supra; Microwave Monolithics, Inc., supra.*

Here again, we find nothing unreasonable in the agency’s identification of a risk associated with Avantus’s limited demonstration of its experience in performing the various SOW requirements related to resource planning, execution, and management support. In this regard, there can be no meaningful dispute that: the SOW contained multiple specific tasks the contractor will be required to perform under this section (including, for example, RAPs and RADs); the solicitation placed offerors on notice that the agency would evaluate the extent to which each proposal demonstrated its experience; and Avantus’s proposal did not address most of the specific tasking requirements due to its apparent view that “a specific reference [to these requirements] was not required.” See Protester’s Comments at 12. On this record, we conclude that Avantus has failed to demonstrate that the agency was unreasonably concerned by the lack of detail in Avantus’s proposal regarding its experience with tasks related to resource planning, execution and management, and its protest in that regard is denied.

Evaluation of Salient’s Proposed Price

allocation plans (RAP) . . . and issuance of resource allocation decisions (RAD).” AR, Tab 14, SOW at 23.

Finally, Avantus asserts that the agency failed to properly consider Salient's proposed price in making its source selection decision. More specifically, based on the solicitation provision stating that "the results of the price evaluation may also be used as an aid in determining each offeror's understanding of the [solicitation's] technical requirements," Avantus maintains that the agency should have assigned, "at best," a "some confidence" rating to Salient's proposal under the technical/management approach evaluation factor. Protest at 12-15. While acknowledging that the solicitation did not expressly provide for a price realism evaluation, Avantus maintains that, by stating that the "results" of the price evaluation "may" be used in determining each offeror's understanding of the task order requirements, the solicitation "committed" the agency to perform a price realism evaluation. *Id.* at 14. More specifically, Avantus asserts that the agency was required to make realism assessments regarding Salient's labor rates by comparing them to an independent government cost estimate (IGCE) that had been prepared before the solicitation was issued.¹⁵ Protester's Comments at 3-8. Finally, Avantus asserts that, as a non-incumbent offeror,¹⁶ Salient faces "significant risk" in staffing the task order during the 60-day transition period and beyond at the prices it proposed. Protest at 15; Protester's Comments at 7.

The agency first responds that, contrary to Avantus's assertion that the solicitation contemplated a price realism evaluation, it did not. Supp. MOL at 4-7. Specifically, the agency notes that the solicitation did not warn offerors that a proposal could be rejected if its price was determined to be unrealistically low. *Id.* The agency further responds that, even if the terms of the solicitation could be interpreted as permitting a price realism evaluation, such terms were permissive--not mandatory--and, thus, subject to the agency's discretion. *Id.* Further, the agency states that its evaluation of the competing proposals included a comparison of Salient's and Avantus's relative proposed prices,¹⁷ including an assessment of the variations in proposed labor rates.

¹⁵ The agency states that, in June 2023 during the acquisition planning stage of this procurement, an IGCE was developed based on a projected requirement for 71 full-time equivalent (FTE) personnel. AR, Tab 66, Supp. Contracting Officer's Statement (COS) at 1. However, following approval of the acquisition plan in December 2023 (but prior to issuance of the solicitation in April 2024), there were "demand signals from DHS, Congress, and the White House, [which] indicated a potential increase for analytic and program management support." *Id.* Accordingly, based on an increased projected requirement of 114 FTEs, and a cost of \$1,326,446 per FTE, the agency calculated its final IGCE to be slightly greater than \$150 million. *Id.*

¹⁶ Avantus states that it is "a member of the current incumbent team." Protest at 3.

¹⁷ The agency maintains that, consistent with FAR 15.404-1, the agency's price analysis was based on the existence of competing proposals and, therefore, did not consider the IGCE. Sup. MOL at 13; Supp. COS at 2.

See AR, Tab 34, Price Evaluation Report at 11.¹⁸ Finally, the agency maintains that its determination that Salient fully understood the solicitation requirements, and the assessment of a high confidence rating under the technical/management approach evaluation factor was based on Salient's detailed description of its proposed technical/management approach, as documented by the TET's contemporaneous evaluation report. That report stated, among other things:

[Salient] demonstrated an ability to successfully staff ICE's requirement within the 60-day transition period. The offeror has a list of over [redacted] (and [redacted]) and has a dedicated team (e.g. transition manager and leads for recruitment and security) that understands ICE's security clearance process. . . . The offeror's list of over [redacted] with expertise and experience in [redacted] . . . is a benefit to the government and will help the government avoid any issues with achieving operational readiness under the new task order. Additionally, the offeror's dedicated team of recruitment and security staff will undoubtedly benefit the government and help ensure that all contractor candidates are high qualified (having qualified staff reduces the administrative burden on ICE personnel security and contract oversight staff).

AR, Tab 61, TET Report (Salient) at 2.

In short, the agency maintains that its consideration of Salient's proposed price was reasonable and "consistent with the RFP"--including being consistent with the discretionary authority the solicitation provided to consider price in evaluating Salient's understanding of the task order requirements. Supp. MOL at 8. Further, the agency maintains that it properly assessed a "high confidence" rating to Salient's proposal under the technical/management evaluation factor based on Salient's detailed description of its proposed approach.

In a fixed-price procurement, procuring agencies do not generally consider price realism, since fixed-price vehicles place the risk of loss on the contractor rather than on the government. See, e.g., *Leidos Inc.*; *Booz Allen Hamilton Inc.*, B-421524 *et al.*, June 20, 2023, 2023 CPD ¶ 157 at 5-8; *Patronus Sys., Inc.*, B-418784, B-418784.2, Sept. 3, 2020, 2020 CPD ¶ 291 at 4. Nonetheless, a solicitation may include a provision that

¹⁸ In responding to the protest, the agency provided a more detailed comparison of the offerors' proposed labor rates, noting that Salient's rates ranged from [redacted] percent lower than Avantus's rates to [redacted] percent higher, and further noting that the highest differential [redacted] accounted for only 7 percent of the total price. Supp. MOL at 13-17. Accordingly, the agency maintains that even its more detailed, post-protest analysis of the proposed labor rates "does not reveal any labor rates so low as to indicate a lack of technical understanding on the part of Salient." *Id.* at 13.

permits consideration of whether a proposed price is too low if the agency is concerned that its requirements may not be fully understood. *Id.* We have held that a solicitation merely reserving the agency's right to consider price in evaluating an offeror's understanding of the requirements does not, by itself, obligate the agency to do so. *Leidos Inc.; Booz Allen Hamilton, Inc., supra; Patronus Sys., Inc., supra* at 5. In reviewing a protest challenging an agency's exercise of its discretionary authority, our Office will consider whether the exercise of discretion was reasonable in light of the specific facts presented. See *Citywide Managing Servs. of Port Washington, Inc.*, B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 4-7.

Here, we reject Avantus's protest challenging the manner and extent of the agency's consideration of Salient's proposed price. First, the terms of the solicitation did not mandate a price realism analysis. Further, as discussed above, the record is clear that the agency did, in fact, consider and compare various aspects of the offerors' proposed prices and, further, considered Salient's detailed description of its proposed technical/management approach in assigning a "high confidence" rating to Salient's proposal under that evaluation factor. Accordingly, we conclude that the agency's consideration of Salient's proposed price and technical/management approach was reasonable and consistent with the terms of the solicitation, and that Avantus's protest challenging the manner and extent of the agency's consideration of Salient's proposed price in making the source selection decision fails to provide a basis for sustaining its protest.

The protest is denied.

Edda Emmanuelli Perez
General Counsel