

Decision

Matter of: Betty Foster Roofing, LLC

File: B-419573.2

Date: June 17, 2021

Betty Foster, Betty Foster Roofing, LLC, for the protester.
Deborah K. Morrell, Esq., and Jennifer Smith, Esq., Department of Veterans Affairs, for the agency.
Paula A. Williams, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging agency's decision to use two-phase design-build selection procedures is denied where the record does not demonstrate that the agency's action violates regulation or its exercise of discretion was unreasonable.
2. In a procurement conducted under two-phase design-build selection procedures, protest challenging various terms of the solicitation as unduly restrictive of competition is denied where agency articulated reasonable bases for the requirements.

DECISION

Betty Foster Roofing, LLC (BFR), a service-disabled veteran-owned small business (SDVOSB) located in Mendon, Missouri, protests the corrective action taken in connection with request for proposals (RFP) No. 36C776-21-R-0023, which was issued by the Department of Veterans Affairs (VA), for a reroofing and resurfacing project at the Garland VA Medical Center (Garland VAMC) in Garland, Texas. BFR contends that the solicitation amendment issued as corrective action in response to BFR's prior protest was inadequate. The protester again objects to the agency's use of two-phase design-build selection procedures for this procurement and argues the amended solicitation still contains terms that are unduly restrictive of competition.

We deny the protest.

BACKGROUND

The VA issued the RFP on December 30, 2020, under the two-phase design-build provisions of Federal Acquisition Regulation (FAR) subpart 36.3, and the solicitation was set aside for SDVOSB concerns. RFP at 5, 39.¹ The selected contractor will provide design and construction services for reroofing and resurfacing four selected roofing areas of the Garland VAMC, identified as: the medical office building (approximately 22,000 square feet); the warehouse (approximately 20,000 square feet); roof A (approximately 43,000 square feet); and what the solicitation terms the “ED roof” (approximately 12,000 square feet). *Id.* at 94. The RFP anticipates the award of a single, fixed-price contract for a performance period of 365 calendar days after the notice to proceed. *Id.* at 96.

The RFP includes various attachments, including attachment 1, titled “Request for Proposal to Design-Build.” *Id.* at 50. This attachment describes various specification requirements and other specific tasks to complete the project. Attachment 2, titled “Garland Roof Replacement Statement of Work (SOW).” *Id.* at 94. This attachment describes the scope and objectives of the project. Among other things, the SOW describes the roofing services as including: an infrared aerial survey to determine the current roof leaks and status of the roofing system; development of a detailed roofing plan; and development of permanent designs, drawings, and plans. *Id.* The SOW also describes the architectural and engineering (A/E) design services to include: developing overall roofing plans to identify what roofing system is on each roof and what system will replace the existing system; and providing an overall legend of all the roofing systems, identifying each roof by number, roof square footage, and type of roof terminations. The SOW states that the design and construction plan may be staged into three phases to allow the roofing services to begin while the plans are being developed for later phases. *Id.* at 95-96.

The RFP permits a joint venture to submit a proposal provided all joint venture partners are SDVOSB concerns.² *Id.* at 50; *see also*, Contracting Officer Statement at 3. Under phase I, offerors are instructed to submit proposals to address the following four evaluation factors, listed in descending order of importance: (1) past performance; (2) key personnel experience; (3) technical approach; and (4) capability to perform.

¹ The solicitation was amended four times. All citations to the solicitation are to the conformed version, inclusive of all amendments, as provided by the agency and to that version’s electronic pagination.

² Under the RFP, the term “design-build” is defined as the procurement of the VA’s requirements under a single contract with one firm or joint venture for both design and construction services. RFP at 50. The term “design-build team” includes all joint venture partners, consultants, and sub-contractors to the one firm. The design-build team shall provide architectural and engineering disciplines for the preparation of construction documents, and construction contractor capabilities for construction of the project. *Id.* at 54.

Id. at 56-58. The agency will use an adjectival based system to evaluate proposals following which the agency will select the four most highly qualified offerors to participate in the phase II competition. *Id.* at 53, 58. In the phase II competition, offerors will submit both technical and price proposals. The phase II evaluation consists of three factors: (1) technical solution; (2) draft project schedule; and (3) price. *Id.* at 64-65. When combined, the non-price factors are approximately equal to price. *Id.* at 64. The solicitation provides for award of a single fixed-price contract on a best-value tradeoff basis to the responsible offeror with the proposal representing the best value to the government after evaluation of the phase II proposals.³ *Id.* at 53. Under the RFP, the term “best value” means the expected outcome of an acquisition that, in the government’s estimation, provides the greatest overall benefit in response to the requirements. *Id.* at 65.

As relevant to this protest, the RFP provides that past performance will be evaluated for recency, relevancy,⁴ and quality⁵ of the projects provided in the offeror’s phase I proposal. *Id.* at 58-59. Regarding the past performance factor, the RFP requires offerors to identify at least one, but no more than three, projects similar in size, complexity, and scope completed within the past five years. *Id.* at 56. These projects must demonstrate the offeror’s experience as a prime contractor managing multiple subcontractors, including A/E firms if applicable. If the offeror does not have design-build experience, the offeror should provide at least one, but no more than two, projects completed by the A/E firm that are similar in size, complexity, and scope to the solicited requirement. Finally, if the offeror is a joint venture, relevant project experience should be submitted for projects completed by the joint venture entity. If the joint venture does not have shared experience, projects shall be submitted for each joint venture partner and failure to submit experience for all joint venture partners may be assigned a lower past performance rating. *Id.*

For each past performance project, offerors are to submit a completed contractor performance assessment reporting system past performance review, or have references complete and submit past performance questionnaires (PPQ) using the PPQ

³ The phase II competition will be conducted in accordance with FAR part 15, including the evaluation of technical and price proposals submitted by offerors. RFP at 86; see *also*, FAR 36.303-2.

⁴ A relevant project is further defined as “design and/or construction completed in a clinical, hospital or other medical related use space similar in size and scope to this project.” RFP at 56.

⁵ When assessing the quality of an offeror’s prior performance, aspects that may be considered are timeliness of contract completion, adherence to contract schedules, timely submission of data deliverables, the contractor’s ability to comply with the terms and conditions of the contract, the overall quality of the work performed on the contract, the offeror’s managerial performance, and whether the reference would enter into a contract with the contractor again. RFP at 58-59.

form provided with the RFP (see attachment 8). *Id.* at 57. In addition, the solicitation states that the agency could obtain information from other sources known to the government to assist in its evaluation of an offeror's past performance. *Id.* at 59.

Also relevant to the protest, the solicitation provides that the agency's evaluation of key personnel experience will be based on the relevant management, technical personnel, and subcontractor capabilities and qualifications of the proposed contractor's team to provide the required planning, implementation and completion of the project. *Id.* at 59. The agency will consider the experience and qualifications of the key personnel such as specialized training, education, certifications, and experience in an operational healthcare facility. *Id.* Regarding the key personnel experience factor, the solicitation instructs offerors to submit resumes for each key person.⁶ *Id.* at 57. Each resume should include the qualifications, performance and experience of the key person enumerated from the RFP. The resumes also should include any specialized training, education, certifications, and experience in an operational healthcare facility for the key personnel. *Id.*

Phase I proposals were due on January 29, 2021. RFP at 1.

On January 28, BFR filed an agency-level protest challenging various terms of the RFP. On February 5, BFR filed a protest with our Office, docketed as B-419573, raising essentially the same arguments BFR argues in this current protest. In response to the first protest with our Office, the VA filed a notice of corrective action indicating that it would review the agency's requirements, amend the solicitation, and request new proposals. Our Office dismissed the protest as academic on March 8. *Betty Foster Roofing, LLC*, B-419573, March 8, 2021 (unpublished decision).

The VA took corrective action by issuing amendment 4 to the solicitation. RFP at 573. This amendment corrected a provision in the phase II evaluation factors, *i.e.*, factor 1, technical solution, that incorrectly made reference to a specialty care clinic (see RFP at 63) rather than a medical use facility. *Id.*

Phase I proposals were due on March 19. *Id.* BFR filed this protest on March 15.

DISCUSSION

In its current protest before our Office, BFR argues that the amended RFP fails to remedy the issues raised in its initial protest. BFR reasserts its original bases of protest, alleging that the VA: (1) improperly used the two-phase design-build selection procedures for this procurement; (2) improperly required SDVOSB offerors without an in-house A/E firm to form a joint venture in order to compete for the requirement; (3) improperly excluded consideration of otherwise relevant past performance

⁶ The key personnel were identified as: overall project manager, design project manager, construction project manager, project site superintendent, A/E field representative, and all the identified major subcontractors. RFP at 57.

experience that was not completed in a clinical, hospital, or other medical related use space; (4) failed to provide any objective qualifications and evaluation criteria for the key personnel positions; (5) failed to provide any adjectival ratings for the past performance evaluation factor; and (6) failed to provide relevant phase II evaluation factors in the solicitation. The protester additionally contends that the minor and cosmetic change to the phase II evaluation factor 1, in amendment 4, suggests the agency's decision to take corrective action was made in bad faith. See Protest at 16-25. We have fully considered all of BFR's arguments, and variations thereof, and while we do not specifically address them all, we find that none provides a basis on which to sustain the protest.

Two-Phase Design Build Procedures

BFR contends that the VA is improperly conducting the procurement as a two-phase design-build selection process under FAR subpart 36.3. According to the protester, the agency's requirements at the Garland VAMC are to have a contractor remove the existing older, perhaps inefficient, and possibly leaky roofs and replace them with new roofing with no actual new or replacement design work required. Protest at 17. BFR asserts that given the information provided in the solicitation, an experienced commercial roofer can meet the agency's needs. In its view, a performance specification under a construction contract is all the VA needs to use to accomplish its goals. See *generally*, Protest at 16-17; Comments at 2-4.

The VA responds that its decision to use two-phase design-build procedures was based on a reasonable assessment of the agency's requirements. The agency reports that the buildings were donated to the VA without any architectural blueprints, engineering drawings, or historical building system records. After accepting the buildings, the VA discovered that a roof was leaking. In preparation for issuing the subject solicitation, the contracting officer met with agency personnel to develop the appropriate procurement strategy for converting the interior of the three existing buildings from non-medical use space into VA medical use space without the benefit of historical records or design drawings and plans. Contracting Officer Statement at 1.

Although the agency acknowledges that its "immediate need" is to repair the roofing system, the contracting officer explains that the agency also needs to develop permanent designs, drawings, and plans to maintain the property. *Id.* The contracting officer states that she analyzed the agency's needs for this new requirement under the two-phase design-build procedures of FAR section 36.301(b)(3), noting that the design and construction renovation of a roofing project has a period of performance of 365 calendar days, if accomplished consecutively. The contracting officer concluded that using these procedures would allow the successful contractor to start several tasks before the design phase is completed and that this would save a substantial amount of time while meeting the agency's needs. *Id.* at 1-2.

A contracting agency has the discretion to determine its needs and the best method of accommodating them. *Data Monitor Sys., Inc.*, B-415761, Mar. 6, 2018, 2018 CPD ¶ 79

at 6. A protester's disagreement with the agency's judgment concerning the agency's needs and how to accommodate them does not show that the agency's judgment is unreasonable. *Id.* at 4. Based upon our review of the procurement record, as well as the filings of the parties, we find the agency's actions here unobjectionable.

In this context, we look first to FAR section 36.104 which generally provides that a contracting officer shall use two-phase design-build selection procedures when entering into a contract for the design and construction of a public building or facility, if the contracting officer makes a determination that use of these procedures are appropriate. FAR 36.104. To determine whether use of the two-phase design-build procedure is appropriate, the FAR requires the contracting officer to consider information such as: (i) the extent to which the project requirements have been adequately defined; (ii) the time constraints for delivery of the project; (iii) the capability and experience of potential contractors; (iv) the suitability of the project for use of the two-phase selection method; (v) the capability of the agency to manage the two-phase selection process; and (vi) other criteria established by the head of the contracting activity. FAR 36.301(b)(3).

Here, the record establishes that the contracting officer considered the criteria as set forth in FAR section 36.301(b)(3) and in 41 U.S.C. § 3309(b), the authorizing statute for the FAR's design-build selection procedures, and adequately explained why she concluded that this acquisition method was appropriate for this procurement. See *generally*, Contracting Officer Statement at 1-2. Based on our review of the record, we find unavailing the protester's argument that this was a simple roofing replacement project and the protester has provided no basis for us to question the agency's conclusion. In this regard, although BFR asserts that "the supposed absence of these 'historical documents' would warrant a design-build effort for the complete renovation of the facilities," see Comments at 3, the protester insists that a roof replacement project is not an appropriate reason to develop the documentation needed for complete building renovations. *Id.* We find such arguments, in essence, represent disagreement with the agency's decision, and therefore do not provide us with a basis to sustain the protest. Accordingly, we deny the protest allegation. See *Data Monitor Sys., Inc.*, *supra* at 7.

Restrictions on Competition

BFR raises multiple challenges to the solicitation, arguing that it contains terms that are unduly restrictive of competition. As we have explained, where a protester challenges a specification or requirement as unduly restrictive of competition, the procuring agency has the responsibility of establishing that the specification or requirement is reasonably necessary to meet the agency's needs. *Remote Diagnostic Techs., LLC*, B-413375.4, B-413375.5, Feb. 28, 2017, 2017 CPD ¶ 80 at 3-4. Here, the agency has provided a detailed rationale for the requirements challenged by the protester, and, as illustrated by the examples below, the record provides no basis to conclude that the requirements do not reflect the needs of the agency.

For example, BFR challenges what it understands to be the solicitation's requirement for SDVOSB concerns without in-house A/E capability to form a joint venture in order to

compete for the project. BFR complains that this requirement burdens small businesses with additional, unnecessary, and non-recoverable expenses. According to BFR, the solicitation does not allow an SDVOSB without this in-house capability to propose an A/E firm as a subcontractor because the solicitation limits all past performance submittals and past performance evaluation to the prime offeror or joint venture partners. This limitation in the solicitation, the protester complains, is unduly restrictive of competition. See *generally*, Protest at 18-19; Comments at 4-5.

The VA disputes the protester's characterization of the RFP's joint venture requirements. The agency contends that the solicitation does not require an offeror to be a joint venture in order to submit a proposal; rather, the solicitation simply identifies the information an offeror should include in its proposal if the offeror is a joint venture. Contracting Officer Statement at 3; Memorandum of Law at 5 (*citing e.g.*, RFP at 50). In this regard, the agency asserts that, consistent with FAR section 36.303-1(a)(2)(ii), the phase I evaluation factors must include past performance requirements for the offeror's team, to include joint venture partners if applicable. Memorandum of Law at 5-6. The agency explains that evaluation of the offeror's team under the past performance factor will allow the agency to select the most highly qualified offerors to participate in the phase II competition. *Id.*

As a general matter, the fact that an aspect of the RFP's evaluation criteria may prevent a number of firms from obtaining positive experience and past performance ratings is not dispositive of whether the provision is unduly restrictive. In this regard, the determination of a contracting agency's needs, including the selection of evaluation criteria, is primarily within the agency's discretion and we will not object to the use of particular evaluation criteria so long as they reasonably relate to the agency's needs in choosing a contractor that will best serve the government's interests. *SML Innovations*, B-402667.2, Oct. 28, 2010, 2010 CPD ¶ 254 at 2. The fact that a requirement may be burdensome or even impossible for a particular firm to meet does not make it objectionable, if the requirement properly reflects the agency's needs. *JBG/Naylor Station I, LLC*, B-402807.2, Aug. 16, 2010, 2010 CPD ¶ 194 at 4. Further, a protester's disagreement with an agency's judgment concerning the agency's needs and how to accommodate them, without more, does not show that the agency's judgment is unreasonable. *Dynamic Access Sys.*, B-295356, Feb. 8, 2005, 2005 CPD ¶ 34 at 4.

Here, the agency is not prohibiting the use of subcontractors. To the contrary, the solicitation expressly indicates that the agency will consider the experience of an offeror's subcontractors. See RFP at 59 (stating that the agency will "evaluate the relevant management, technical personnel and subcontractor capabilities and qualifications of the team to provide the required planning, implementation and completion of the project. The team will consider experience and qualifications such as specialized training, education, certifications, and experience in an operational healthcare facility.").

The protester, is correct, however, in that the solicitation does appear to restrict the agency's consideration of past performance to that of the prime contractor, the firm with

which the agency will have contractual privity for purposes of performing the contract. See RFP at 56. This evaluation approach is unobjectionable, however. As we have explained in the context of another design-build case, it is reasonable for an agency to reduce its risk of inadequate performance by requiring that any team member, on whose experience or past performance the agency relies, qualifies as the “prime contractor” so that it will have contractual privity with that entity. *Valor Constr. Mgmt., LLC*, B-405365, Oct. 24, 2011, 2011 CPD ¶ 226 (denying protest of solicitation that limited evaluation of experience and past performance to contracts performed by prime contractor). Such privity is not available to the government for team members that qualify only as subcontractors. An agency’s concern with limiting the risk of unsuccessful performance by ensuring that the source selection is based on only the experience or past performance of firms that will be in privity with the government, and thus obligated to perform in accordance with the specifications, reasonably relates to the agency’s needs in choosing a contractor that will best serve the government’s interests with respect to a particular, complex project. *Id.* Accordingly, the protester’s challenge of the agency’s decision to limit the past performance evaluation to the prime contractor is without merit.

BFR also challenges the RFP’s requirement regarding the relevancy criteria under the past performance factor. As defined by the RFP, a relevant project is a design and/or construction contract completed in a clinical, hospital or other medical related use space similar in size and scope to this project. See RFP at 56. BFR argues that there is no rational basis for excluding otherwise relevant past performance experience that was not completed in a clinical, hospital or other medical related use space. In BFR’s view, the removal of an existing roof and its subsequent replacement is unrelated to the type of work occurring below the roof; rather, BFR contends this work is governed only by the type of roofing requirements being solicited. Protest at 20-21; Comments at 6.

The VA responds that this requirement is reasonably necessary to meet the needs of the agency. The agency explains that the project is converting non-medical use space to medical space without the benefit of historical facility and engineering drawings or other records. As a result, the agency argues that it is seeking to ensure that this specific site is integrated into a clinical or medical related space within the entire Garland medical facility. Contracting Officer Statement at 4; Memorandum of Law at 6-7. In light of the rationale provided by the agency, we have no basis to conclude that the agency’s requirement is unreasonable or improperly restricts competition. *Cryo Techs.*, B-406003, Jan. 18, 2012, 2012 CPD ¶ 29 at 4.

The protester’s remaining arguments relate to its allegation that the solicitation lacks sufficient details to allow offerors to compete on an equal basis. As a general rule, a solicitation must be drafted in a fashion that enables offerors to intelligently prepare their proposals and must be sufficiently free from ambiguity so that offerors may compete on a common basis. *Al Raha Grp. for Tech. Servs.*, B-412963.3, Sept. 19, 2016, 2016 CPD ¶ 262 at 4. However, there is no requirement that a competition be based on specifications drafted in such detail as to completely eliminate all risk or remove every uncertainty from the mind of every prospective offeror; to the contrary, an agency may

provide for a competition that imposes maximum risks on the contractor and minimum burdens on the agency, provided that the solicitation contains sufficient information for offerors to compete intelligently and on equal terms. *Phoenix Env'tl. Design, Inc.*, B-411746, Oct. 14, 2015, 2015 CPD ¶ 319 at 3. As discussed below, we find that none of the protester's allegations provides a basis to sustain the protest.

For example, BFR alleges that the solicitation lacks sufficient details regarding the agency's evaluation of key personnel under the key personnel experience factor. According to the protester, the solicitation requires submission of resumes for the key personnel enumerated in the RFP and requires offerors to include the relevant experience and qualifications for each individual, such as specialized training, education, certifications, and experience in an operational healthcare facility. Protest at 22. However, BFR argues that the solicitation fails to include any objective standards under which the agency will evaluate the resumes of key personnel. In this regard, BFR contends that the solicitation did not disclose the required education level; the type and minimum years of experience; or the specialized training for each key personnel. *Id.* at 22-23.

The VA argues that the solicitation fully reflects the agency's needs and that the solicitation provides sufficient information to allow offerors to compete on a common basis. The agency states that it will evaluate favorably those offerors proposing individuals with the relevant management, technical personnel, and subcontractor capabilities based on a consideration of the qualifications of the offeror's team who will provide the required planning, implementation, and completion of the project. In other words, offerors proposing individuals with the relevant management capabilities, qualifications and experience that more closely corresponds to the solicitation requirements of this medical facility will be evaluated favorably. Contracting Officer Statement at 4-5; Memorandum of Law at 7-8.

Here, based on our review of the record, we find that the RFP provides adequate detail for offerors to compete intelligently and on equal terms. We conclude that the decision not to specify the required education level, type and minimum years of experience, or the certification requirements for each key position, is not improper given that the requirements to be performed by these individuals are clearly defined. *Phoenix Env'tl. Design, Inc.*, *supra*.

Finally, the protester challenges the agency's failure to include in the RFP any adjectival ratings for the phase I, past performance factor. Protest at 23. The protester also challenges the agency's failure to include relevant phase II evaluation factors in the RFP, arguing that the stated phase II evaluation factors are so vague as to be meaningless. *See generally*, Protest at 23-26.

As mentioned above, contracting agencies have broad discretion to determine their needs and the best way to meet them. *URS Fed. Support Servs., Inc.*, B-407573, Jan. 14, 2013, 2013 CPD ¶ 31 at 4. In this context, FAR section 36.303-1 requires that phase I solicitations shall include: (1) the scope of work; (2) the phase-one evaluation

factors, to include (i) technical approach (but not detailed design or technical information); (ii) technical qualifications, such as (A) specialized experience and technical competence; (B) capability to perform; (C) past performance of the offeror's team (including the architect-engineer and construction members); and (iii) other appropriate factors (excluding cost or price related factors, which are not permitted in phase I); (3) phase-two evaluation factors (see FAR 36.303-2); and (4) a statement of the maximum number of offerors that will be selected to submit phase II proposals.

Here, under phase I, the solicitation lists four evaluation factors, in descending order of importance, and provides for evaluation of proposals using an adjectival based rating system, albeit the particular adjectival ratings are not identified or defined. Under phase II, the solicitation lists three evaluation factors, and notes that pursuant to FAR section 36.303-2, phase II proposals will be evaluated under FAR part 15. More specifically, the RFP describes the phase II evaluation factors as follows:

PHASE II – Proposal Evaluation Factors

The Phase II proposal shall address the following evaluation factors. Both Phase II technical evaluation factors, when combined are approximately equal to price[.]

Factor 1, Technical Solution (Volume I)

The offeror shall provide a detailed technical solution to accomplishing the design and construction of the medical use facility. The narrative will detail how the contractor intends to design the intends to design the new architectural & structural mechanical, electrical, plumbing, fire sprinkler, life safety and IT systems[.]

Factor 2, Draft Project Schedule (Volume I)

The offeror shall demonstrate their understanding of **Attachment 18** Project Schedule Specification by submitting a draft project schedule for design and construction that adheres to the requirements outlined in **Attachment 18** Project Schedule Specification.

Factor 3, Price Proposal Requirements (VOLUME I1)

A. Carefully follow "Instructions, Conditions, and Notices to Offerors". **Standard form (SF) 1442 Solicitation, Offer and Award** (Construction, Alteration, or Repair) and the pricing schedule when submitting price offers. Submit a bid guarantee as stipulated in the solicitation".

B. The prices shall be Firm Fixed Price. The Offeror shall take care not to include remarks that take exception to the Government's SOW/Specifications or pricing requirements or otherwise preclude the

Government from evaluating the offer or render the offer as non-responsive or unacceptable.

C. If the Offeror communicates in its proposal any qualifications, exceptions, exclusions, or conditions to the proposed prices not provided for in the Offerors proposal documents, the Contracting Officer may reject the proposal and exclude the Offeror from further discussions.

D. In addition to the pricing schedule, Offerors shall submit a complete Breakdown of the Division Pricing for Line Item 0001 and Line Item 0002.

RPP at 63-64.

While BFR argues the RFP should be amended to disclose the adjectival rating system the agency intends to use to evaluate phase I proposals, BFR is mistaken. Procurement officials have broad discretion in selecting evaluation factors that will be used in an acquisition, and we will not object to the absence or presence of a particular evaluation factor or an evaluation scheme so long as the factors used reasonably relate to the agency's needs in choosing a contractor or contractors that will best serve the government's interests.

We have also previously explained that an agency's chosen evaluation rating scheme is distinct from the stated evaluation criteria and does not need to be disclosed in a solicitation. See *URS Fed. Tech. Servs., Inc.*, B-405922.2, B-405922.3, May 9, 2012, 2012 CPD ¶ 155 at 10 n.17 (finding no requirement that the agency disclose its adjectival rating scheme as part of the solicitation). This is because, as our decisions have made clear, adjectival ratings and the like are merely guides for intelligent decision-making in the procurement process; they are designed to assist agency officials in the evaluation and selection process. *Raytheon Blackbird Techs., Inc.*, B-417522, B-417522.2, July 11, 2019, 2019 CPD ¶ 254 at 6 n.3. Ultimately, the relevant question is not what adjectival rating an agency uses, but whether the underlying evaluation is reasonable and supports the source selection decision based on the evaluation criteria. *INDUS Tech., Inc.*, B-411702 *et al.*, Sept. 29, 2015, 2015 CPD ¶ 304 at 4.

Similarly, we reject the protester's position that the phase II evaluation factors are vague or otherwise meaningless. The record shows that the phase II evaluation criteria were listed in the solicitation, as proscribed by FAR 36.303-2, and detail what the agency is

seeking from offerors for purposes of its evaluation. Accordingly, we deny these protest allegations. See *Data Monitor Sys., Inc., supra* at 7.

The protest is denied.

Thomas H. Armstrong
General Counsel