

On August 4, 2004, the District of Columbia Office of Contracting and Procurement (“OCP”) issued Request for Proposals No. POAM-2004-R-0015-DW. The District issued this solicitation to satisfy its requirement for city-wide security services at about 100 District-owned and leased facilities

that are open to the public. OCP has managed the solicitation, award, and administration of the contract for the Protective Services Division (“PSD”) of the District. The solicitation, issued in the set-aside market, called for offers on four separate Aggregate Award Groups and allowed award of each group to a different offeror or to any combination of offerors. The solicitation allowed the award of all four groups to a single contractor. (Agency Report (“AR”), at 3; AR Ex. 1 (Solicitation §§ L.1.1 (page 47) and M.1 (pages 55-56); AR Ex. 19 (Contracting Officer’s Business Clearance Memorandum (“BCM”) (pages 5-6)); AR Ex. 21 (Declaration of Karen Hester, Contracting Officer ¶ 3).

Among other evaluation criteria, the offerors were to be scored separately for each of award groups 1, 2, 3 and 4, as specified by solicitation section M.1.1, as amended by Amendment 1. (AR Exs. 1 (page 56), 3 (pages 18-19), 19 (§ 4.1, page 5), 21 (¶ 6)). The following were the evaluation factors prescribed by the solicitation: technical factors worth a maximum of 60 points; price factors worth a maximum of 40 points; and LSDBE preference factors worth a maximum of 12 points. (AR Ex. 1 (page 58)). The technical criteria consisted of Experience and Past Performance (maximum of 40 points) and Management Capability (maximum of 20 points). The price evaluation was mathematically determined, with the lowest price offeror receiving the maximum 40 points, and other offerors receiving a proportionately lower total score.

For the Experience and Past Performance technical factor, Section L.3.1.1 states:

Offerors shall submit a technical plan that will detail its understanding of the requirements and its approach to successfully provide services to satisfy the District’s requirements. Offerors shall detail its experience with providing security services as required in the RFP including abstracts of experience that would substantiate their qualifications and capabilities to perform the services required by the scope of work.

Section L.3.1.2 states:

Offerors shall submit five (5) references from current or prior customers, using the Past Performance Evaluation Form, Attachment J.9. Offerors shall assure that current and past performance customers listed in the proposal complete and sign the Performance Evaluation Form and return them with the proposal. The District reserves the right to contact known present customers of the Offeror, or past customers in the last three (3) years NOT provided as a reference, and the information received may be used in the evaluation of past performance. In addition, offerors shall provide the following information for each reference submitted: name and location of the project, brief description of the project, contract number, original and final contract value, start and completion date and email, fax and telephone number of the person providing the reference.

Regarding the technical factor for Management Capability, Section L.3.2 (“Section 2 – Management Plan”) provides:

L.3.2.1 The Offeror shall submit a management plan detailing its organizational structure and quality assurance mechanisms including financial and accounting controls. This section shall contain all pertinent information relating to the Offeror’s organization,

including resumes of personnel to be assigned and the percentage of time that each will devote to the contract.

L.3.2.2 Each proposal shall identify the aggregate group(s) (Attachment J.1), for which the offeror wishes to be considered. Each group shall be listed in the order of priority in which the offeror wishes to be considered.

L.3.2.3 This section shall also include the following information: (a) Location of headquarters; (b) A chart of the offeror's internal organization which shows the number of full-time personnel and their level of responsibility within that organization; and (c) The name of the person who manages the firm and makes policy.

Eleven offerors responded to the solicitation by submitting proposals. Five of the proposals were not evaluated, having been disqualified because either they were submitted later than the September 7, 2004 due date or were submitted by companies not certified for the set-aside market. Among the offerors entering the evaluation and selection process were Hawk One and Watkins. (AR, at 3-4; AR Ex. 19 (pages 5-6); AR Ex. 21 (¶¶ 3, 8)). The District commenced with technical and price evaluation of the remaining six proposals the week after the submission date for offers. OCP performed the first evaluation of initial offers with the assistance of a technical evaluation panel ("TEP") from the Protective Services Division ("PSD") of the D.C. Office of Property Management ("OPM") and cost/price analysts from OCP. This evaluation considered both technical and price factors.

The contracting officer held an orientation meeting with the TEP members on September 14, 2004, and provided them with the proposals and a "Proposal Evaluation Guidelines and Instructions" document to assist them in their evaluation. (AR Ex. 19; AR Ex.19(a); AR at 6). The Guidelines included rating sheets for the two technical factors, Management Capability and Experience and Past Performance, but these rating sheets did not provide for scoring at any subfactor level of detail. Therefore, the TEP members developed consensus subfactor ratings for the two technical factors, agreeing on subfactors and assigned corresponding point values for each subfactor, such that the total of the maximum subfactor points equaled the maximum number of points for the corresponding factor. The TEP members took the subfactors that they incorporated in the rating worksheet (see AR Ex. 22, Attachment), from the Proposal Evaluation Guidelines and Instructions which in turn was based on section L.3 of the solicitation. (AR at 11-12; AR Ex. 22, Declaration of Chief Bracy, PSD, TEP Panel Chairman). According to the TEP panel chairman, the TEP members individually used this subfactor rating worksheet to score each offeror's initial proposal (as well as the subsequent BAFO). (AR at 12).

The TEP members performed individual evaluations of the initial proposals. Each member used the subfactors and subfactor point values as guides to arrive at a total numerical score for each factor and a total technical score for both factors. Each also provided narrative ratings and evaluation comments on the strengths and weaknesses of each proposal. The TEP provided an initial "Technical Evaluation Summary Report" to the contracting officer on October 6, 2004. The record contains a "Consensus Report" dated October 4, 2004, signed by the TEP members and providing in spreadsheet form consensus evaluation scores for the six offerors being evaluated. (AR Ex. 19(b)). Hawk One received a consensus score of 35 for the Experience and Past Performance factor and 17.5 for the Management Capability factor, for a total consensus technical score of 52.5 (out of 60). Watkins received a consensus score of 25 for the Experience and Past Performance factor and 20 for the

Management Capability factor, for a total consensus technical score of 45 (out of 60). The other 4 offerors total technical scores were lower than the totals for Hawk One and Watkins.

After reviewing the report, the contracting officer re-directed the TEP “to clarify some of the narratives and evaluate each Offeror’s proposal strictly against each criteria in the solicitation and to provide evaluator narratives detailing strengths and weaknesses for each evaluation factor.” (AR Ex. 19, at 8). The TEP resumed their technical evaluations of the proposals and prepared individual evaluations on rating forms that are dated for the most part as of October 14 and 15, 2004. (AR Ex. 11). One evaluator’s rating sheets for Watkins show scores of 34 for Experience and Past Performance and 17.5 for Management Capability, for a total of 51.5 out of 60 for the technical evaluation. Another evaluator’s rating sheets for Watkins show scores of 30 for Experience and Past Performance and 15 for Management Capability, for a total of 45 out of 60 for the technical evaluation. The third evaluator’s rating sheets for Watkins show scores of 34 for Experience and Past Performance and 18 for Management Capability, for a total of 52 out of 60 for the technical evaluation. For Hawk One, the rating sheets of the three TEP members show total technical ratings of 56, 53, and 49, out of the 60 maximum possible. (AR Ex. 11).

On October 15, 2004, the TEP members again met to discuss their evaluations and ratings and then determined a consensus evaluation for the six offerors. (AR Ex. 22, ¶ 5). The results are documented in a memorandum dated October 15, 2004, addressed to the contracting officer (Karen Hester) from the TEP chairman (Arnold Bracey). (AR Ex. 19(b)(1)). The one-page memorandum provides in relevant part:

Please find the following technical evaluations for your review. Each proposal was evaluated with strict conformity to the evaluation criteria in Section M.5 of the RFP. The Committee members evaluated and scored each proposal separately and then developed a consensus score.

The Committee utilized an objective scoring system strictly adhering to requirements and criteria listed in section L of the solicitation to develop the consensus score.

Using the above referenced scoring system the proposals scored as follows:

Hawk One	52.5 (Good)*	All Agg Grps
Watkins	45 (Acceptable)*	All Agg Grps
....		

\* It is the Committee’s belief that these proposals can be easily corrected to address weaknesses in the BAFO process

The Committee also included the individual evaluations with comments.

It appears that the individual evaluation sheets were attached to this memorandum. Two of the three TEP members transferred individual factor scores and the total technical score to the factor rating sheets that the contracting officer had provided in the Proposal Evaluation Guidelines and Instructions, and included narratives of strengths and weaknesses on the factor rating sheets. They submitted to the

contracting officer the factor rating sheets, which included only the total numerical scores and narrative descriptions of strengths and weaknesses for each factor. These two members did not submit their subfactor rating sheets with the subfactor numerical scores. The third member submitted the factor rating sheets with the numerical scores but also submitted his subfactor rating sheets containing all of his numerical factor and subfactor ratings and narrative ratings. (AR at 12; AR Ex. 22, ¶ 4; AR Exs. 11, 12).

The contracting officer received the consensus report and evaluation sheets on October 19, 2005. (AR Ex. 19, BCM ¶ 5.2, at 8). After the initial technical evaluations were made by the TEP and the price evaluation was completed by the OCP analysts, the contracting officer made an independent evaluation of the proposals. (AR Ex. 21, ¶ 5, 8-11; AR Ex. 19, BCM, at 8-15). The contracting officer noted, *inter alia*, that Hawk One presented an excellent understanding of the District's requirements, that the proposal provided detailed information in response to the technical requirements of the scope of work, that Hawk One showed security services experience and submitted four of the required five references that were verified by OCP. The fifth reference related to its performance of security services for the District's Protective Services Division of OPM (covering over half of the facilities for which the District was seeking security services under this solicitation). Hawk One had submitted a reference form for the city-wide security services predecessor contracts to the contracting officer's technical representative, who happened to be Arnold Bracy, the TEP chairman for this solicitation, and Chief of the Protective Services Division. He states in an affidavit that Hawk One had timely requested by fax that he prepare a performance evaluation of Hawk One which it would include in its proposal as one of the five references. Bracy states:

For various reasons, I did not complete the evaluation form by the time the TEP met to evaluate initial proposals. I believed, and still believe, that Hawk One had requested the evaluation in a timely manner and should not be penalized. Therefore, I provided oral reports of Hawk One's good performance to the other TEP members when we performed the evaluations of the initial offers and to the Contracting Officer when she was performing her evaluation. . . .

(AR Ex. 29 ¶ 4). Bracy further states in his affidavit that he completed the past performance reference form for Hawk One on October 29, 2004.

The contracting officer's independent evaluation of Watkins' proposal noted that Watkins presented an "acceptable understanding" of the District's requirements, demonstrated capability with projects of similar size and scope with an "impressive past experience" that included the entire D.C. Public School System and two other contracts. The contracting officer noted that Watkins had submitted 3 of the required 5 references and that two references were verified by OCP while the reference from DCPS had not been verified. (AR Ex. 19, BCM, at 9). The contracting officer provides additionally in her assessment:

Major requirements of the security program were adequately addressed in the proposal, including management philosophy, recruitment and quality assurance. However, the proposal does not address the 16 hour first aid/CPR requirement or the 16 hour supervisory training requirement.

The evaluation committee rated Watkins' proposal as "Acceptable". Overall the Contracting Officer concurs with the findings of the evaluation committee.

(AR Ex. 19, BCM, at 10).

The contracting officer, in her Business Clearance Memorandum, reviewed the price analysis of the initial proposals, in which Hawk One received scores for the aggregate groups of 39, 39.3, 31, and 39.4, while Watkins received scores of 37, 37, 30, and 37. (AR Ex. 19, BCM, at 13-15). The contracting officer ranked the offerors according to highest overall score to lowest, for purposes of the competitive range determination, and Hawk One ranked first followed by Watkins in second place.

For preference points under the LSDBE Act, Hawk One received 9 points and Watkins received 6 points. (AR Ex. 19, BCM, at 8). At the time it submitted its proposal and supporting documents, Hawk One possessed a valid, current certification from the District's Local Business Opportunity Commission ("LBOC") that it was a Local Business Enterprise ("LBE"); a Small Business Enterprise ("SBE"); a Disadvantaged Business Enterprise ("DBE"); and a business located in a Development Enterprise Zone ("DEZ"). The certification was valid through June 24, 2005. (AR Ex. 20). Hawk One submitted the certification with its proposal and, in the proposal, identified its business address as 3172 Martin Luther King Avenue, S.E., Washington D.C. 20032, the same address used by the LBOC in its above certification. (AR Ex. 6 (page 18); AR Ex. 20). Based upon the LBOC certification, the contracting officer awarded Hawk One nine LSDBE preference points, consisting of two points for DEZ status; four points for LBE status; and three points for DBE status. (AR Ex. 19 (pages 8, 25)).

In a memorandum to the contracting officer dated November 15, 2004, submitted as an addendum to the October 15 memorandum consensus report, the TEP chairman stated that the TEP's initial scores "also represented the order of the aggregate group we felt they [the offerors] were best qualified for. . . ." (AR Ex. 19(b), at 2). The list showed Hawk One with aggregate group I, Watkins with group II, and two other offerors with groups III and IV.

Written discussions were conducted with the offerors in the competitive range. The contracting officer requested BAFOs from the offerors by letters dated November 23, 2004. The letters requested specific responses to questions posed to each offeror. In the letter to Watkins, one of the questions reads:

Offeror submitted three of the five references from current or prior customers, using the Past Performance Evaluation Form as required by Paragraph L.3.1.2. If the Offeror has no other references to submit please so state.

(AR Ex. 7). Hawk One and Watkins submitted BAFOs by the December 3, 2004 deadline.

Upon receiving the BAFOs and accompanying information from the offerors, each TEP member individually re-evaluated the technical proposals in light of the new information in the BAFOs. (AR Ex. 12). The TEP members then met, discussed the evaluations, and arrived at a consensus final evaluation, memorialized in a memorandum dated December 16, 2004, that the TEP submitted to the contracting officer. (AR Ex. 19(f)(1); AR Ex. 22, ¶ 5; AR Ex. 19). The contracting officer summarized the TEP's evaluation of the BAFOs together with the initial proposals as follows:

The [TEP's] initial scores provided the baseline scores upon which the BAFO technical proposals were evaluated. Upon evaluation of the BAFO submissions, the Panel adjusted up or down or left intact the baseline scores. Although adjustments were made to the scores of four (4) Offerors after evaluation of the BAFO submission, the ranking of the Offerors remained the same as it was after the initial evaluation. . . .

(AR Ex. 19, BCM, at 22). The contracting officer summarized the TEP's BAFO evaluation for each offeror, noting that Hawk One's technical score increased by one point and its adjectival rating remained "good." For Watkins, the summary provided as follows:

One panel member noted that the Watkins . . . BAFO did not adequately describe its supervisory curriculum and that it was confusing. Two additional references were submitted that rated the firm as outstanding. Past performance evaluation form from [customer] did not include the contract cost and period of performance. The panel increased the Offeror's technical score by five (5) points which raised the rating from "acceptable" to "good."

(AR Ex. 19, BCM, at 22-23).

In her independent assessment of the BAFO submissions, the contracting officer indicated that Hawk One's weaknesses in its initial proposal were addressed in the BAFO and that she agreed with the TEP assessment that the proposal was "good." The contracting officer similarly indicated that Watkins's BAFO had "addressed all questions raised by the District" and that she agreed with the TEP's rating of Watkins' proposal as "good." (AR Ex. 19, BCM, at 23-24).

The contracting officer received the price analysis report in early January 2005. Based upon the technical evaluations, price evaluations, and preference points awarded, the contracting officer concluded in her source selection decision to award all four aggregate groups to Hawk One because Hawk One was the highest ranked offeror under each award group. In a table listing the scoring data, for aggregate group 1, Hawk One had a technical score of 53.5, a price score of 39, and preference points of 9, for a total of 101.5 points. Watkins had a technical score of 50, a price score of 38.9, preference points of 6, for a total of 94.9 points. The other three aggregate groups had nearly identical scoring differentials. (AR Ex. 19, BCM, at 25). The contracting officer determined that Hawk One was a responsible contractor, with the resources, experience and financial capability to perform the requirements of all groups and to comply with the proposed performance schedules for the four groups, considering all existing commercial and governmental business. (AR Ex. 21 ¶ 12; AR Ex. 19, BCM, at 26; AR Ex. 19(g)).

From February 7, 2005, when the contracting officer issued the recommendation for award to Hawk One, until award of the contract to Hawk One on May 16, 2005, OCP was awaiting approval of the award recommendation by the District of Columbia Council. OCP prepared a recommendation for award for review by the Council, forwarded the recommendation, and awaited action by the Council and other officials that were involved in the recommended-approval action prior to its submission to the Council. By letter on May 13, 2005, the Council informed OCP that it was authorized to award the contract to Hawk One, because, on May 9, 2005, the award had been "deemed approved by virtue of the

Council having taken no action to disapprove it.” During this extended pre-award period, OCP did not reopen discussions or negotiations with Hawk One or any other offeror after the source selection was made. (AR Ex. 13; AR Ex. 21, ¶¶ 13, 14).

The contracting officer conducted a debriefing for Watkins on August 3, 2005, having received notice from OCP’s general counsel on July 25, 2005, of Watkins’ request for debriefing. Watkins states that it requested the debriefing on May 18, 2005, a day after it received notice of the award to Hawk One. During the debriefing, Watkins was advised that it was the second-highest ranked offeror, that Hawk One’s price was slightly less than Watkins, and that the point totals were “very close.” (Protest, CAB No. P-0711, at 5). There was a lengthy discussion of attempts by the contracting officer’s staff to verify the past performance evaluation of Watkins work on the then-continuing D.C. Public Schools (“DCPS”) security contract though the parties disagree as to what was said.

On August 17, 2005, Watkins filed its first protest, docketed as CAB No. P-0711. In its protest, Watkins alleges that (1) the technical evaluation of Watkins’ and Hawk One’s proposals was irrational and inconsistent with the solicitation’s evaluation criteria, and (2) Hawk One was not financially responsible and was ineligible for award. Watkins later withdrew its second count. Regarding the technical evaluation, Watkins contends that it was improperly downgraded due to the inability of the evaluators to obtain telephone confirmation from the author of the DCPS past performance evaluation of Watkins. In addition, Watkins states that it was wrongly downgraded for an allegedly deficient supervisory curriculum. In its protest, Watkins states that it received a redacted copy of the contracting officer’s Business Clearance Memorandum on August 13, 2005. On August 26, 2005, Watkins filed its second protest, docketed as CAB No. P-0712, developing in more detail its attack on the technical evaluation of Hawk One and Watkins, and raising a third count challenging the award of 9 preference points to Hawk One.

The District filed its Agency Report on September 20, 2005, including a motion to dismiss certain grounds. Watkins filed comments on the Agency Report on September 29, 2005. The District responded to the comments on October 17, 2005, including an attachment with supplementary exhibits to the Agency Report. Watkins filed supplemental comments, including a motion styled as one for summary judgment, on October 26, 2005. In this submission, Watkins alleges that the drop of about 7.7 points in the Experience and Past Performance factor from the individual evaluations to the TEP consensus evaluation is unsupported in the record and this point differential carried through to the final BAFO evaluations. The District responded on November 9, 2005, and Watkins filed a reply on November 10, 2005.

## **DISCUSSION**

We exercise jurisdiction pursuant to D.C. Code § 2-309.03(a)(1).

### **Experience and Past Performance Evaluation**

Watkins’ main challenge to the technical evaluation focuses on the Experience and Past Performance evaluation factor scoring. During evaluation of the initial proposals, the three technical evaluation panel members gave Watkins individual past performance scores each of 34, 34, and 30 out of a total possible score of 40 but during their consensus evaluation meeting, they came up with a score



of 25 for Watkins, reflecting a drop of about 7.7 points. Based on our review of the record, we see no basis for finding that the initial consensus evaluation was irrational or unsupported. The TEP members noted deficiencies in Watkins failure to provide two of the required five references. Although four references were included, one was so incomplete that it was discounted entirely. One reference gave an “outstanding” rating, another had an overall rating of “good” but with over half of the individual rating factors being only “satisfactory”, and the third valid performance form gave Watkins a “very good” overall rating. Hawk One’s four written past performance references were uniformly “very good” or “outstanding.” Although Chief Bracy should have completed his written evaluation of Hawk One so that it could have been submitted with Hawk One’s proposal, we do not find under the circumstances that it was improper for him to provide an oral assessment of Hawk One’s performance to the other TEP members during the initial proposal consensus meeting. The contracting officer provided her own independent evaluation of the initial proposals which concisely described the strengths and weaknesses of each proposal. It is clear from the record that the subsequent BAFOs and re-evaluation of the proposals in light of the BAFOs led the TEP members to increase their rating of Watkins experience and past performance from 25 to 30 points, which no doubt took into account the newly submitted reference with an overall rating of “outstanding.” While Watkins total score for this evaluation factor was still a few points below the final evaluation score of Hawk One, we find adequate support in the record for the conclusion of the TEP that Hawk One’s experience and past performance was rated higher than Watkins’. Beyond simply one incomplete reference for Watkins (having an overall rating of “satisfactory”), there is support that the references, experience, and past performance of Hawk One were rated better than Watkins’. The contracting officer properly conducted her own independent evaluation of the proposals in light of the BAFOs and came to the same conclusion as the TEP with regard to the final technical evaluations.

Watkins contends that it learned of a downscoring of its past performance at the debriefing conducted by the contracting officer on August 3, 2005. The District responds that Watkins misunderstood the debriefing information and denies that such downscoring occurred. Watkins claims that the score for its proposal had been downgraded because of the contracting officer’s inability to contact the cognizant DCPS representative by telephone. The contracting officer states that OCP personnel had already received emailed confirmation of the DCPS rating, signed March 8, 2004, for performance prior to that date which Watkins had submitted with its proposal. (AR Ex. 5, pages 28-29). The contracting officer states that she did not reduce Watkins’ numerical score awarded by the TEP based upon this issue. Further, the TEP chairman states that he did not downgrade the Watkins score based upon lack of telephone confirmation of the DCPS reference and, from his recollection of TEP discussions, does not believe that the other TEP members had done so. None of the TEP members noted deficiencies for the DCPS rating, although two did mention that another of the required performance evaluations submitted by Watkins (AR Ex. 5, page 27) was incomplete, because it omitted information required on the form by solicitation section L.3.1.2. (AR Ex. 21, ¶ 15; AR Ex. 22, ¶ 7; AR Exs. 11, 12). We find no basis for concluding in the evaluation record that Watkins was downgraded for lack of telephone confirmation of the DCPS reference.

Watkins also argues that it has greater experience than Hawk One in performing large and complex security contracts and that Hawk One should have been scored lower than Watkins, not higher. We agree with the District that the record shows Hawk One had experience with large and complex security contracts. The work for the District government is reflected in the record and the contracting officer concluded that the past performance of a predecessor company, Eastern Shield, did not detract

from this experience.

### Management Capability Evaluation

Watkins argues that the District did not fairly evaluate Watkins' and Hawk One's proposals regarding the supervisory curriculum component of the management capability factor. Watkins had received 20 points under Management Capability covering all elements of this factor, both at the initial proposal stage as well as after BAFO evaluation. Watkins complains, however, that Hawk One should not have been as highly rated as Watkins because Hawk One's supervisory curriculum consisted of only one paragraph in its proposal compared to the multi-page lesson plan summaries found in Watkins' BAFO. Although some of the evaluation materials seem to cite deficiencies in Watkins' initial proposal and BAFO on this point, Watkins nonetheless was not downgraded in any way. Hawk One's initial proposal submission, though far less detailed than Watkins' BAFO materials, was apparently sufficiently stated to meet the specification requirement and receive appropriate credit for this one element of the overall management capability factor from the TEP and the contracting officer. We are not persuaded that the evaluation on this element of the management capability factor was unreasonable or demonstrated unequal treatment of the offerors.

Watkins also contends that Hawk One had a deficiency in its management section of the proposal after BAFO, namely that Hawk One had not submitted required resumes as part of its management plan. The requirement in solicitation section L.3.2.1 is for "resumes of personnel to be assigned and the percentage of time that each will devote to the contract." The District agrees that the biographical data that Hawk One submitted with its proposal were not literally traditional resumes. (AR Ex. 6, at 92-99 of 104). The District contends that the Hawk One submission met the requirement for resumes and that the TEP and contracting officer properly so found. Hawk One did not cure this issue in its BAFO submission, but relied upon its original proposal biographies. The contracting officer did not consider the lack of resumes to be a deficiency that would require downgrading of the management section of Hawk One's proposal from the good rating by the TEP. She determined that the biographies submitted by Hawk One contained the necessary information and thus served the same purpose as resumes. We conclude that the contracting officer did not violate the terms of the solicitation in concluding that the biographies submitted by Hawk One were the functional equivalent of the resumes required by the solicitation.

### Documentation of the Technical Evaluation

Watkins argues that the technical evaluation was not adequately documented. Clearly, the October 15, 2004 consensus report for the initial proposals should have contained detailed narrative explaining the consensus evaluation of the TEP according to the evaluation factors set forth in the solicitation. Although the rather lean one-page consensus report fails to document the consensus evaluation including strengths and weaknesses, we find that the contracting officer's detailed evaluation in the Business Clearance Memorandum, when considered with the evaluation rating sheets of the TEP, provide adequate documentation of the technical evaluation, both at the initial proposal evaluation stage as well as at the BAFO evaluation phase. Regarding the BAFO evaluation, we think the contracting officer should have recorded in her Business Clearance Memorandum more detail concerning her independent BAFO technical evaluation, including strengths and weaknesses, according to the evaluation factors. Nevertheless, when viewing the totality of the record, we conclude that the

technical evaluation was adequately documented.

Watkins' citation to the lack of documentation relating to the November 15, 2004 memorandum from Bracy is of little relevance. The memorandum does not, in our view, reflect a significant event in the evaluation of the proposals. In sum, we believe the evaluation documentation found in the record adequately documents the basis for the evaluations conducted by the TEP and the contracting officer.

LSDBE Preference Points awarded to Hawk One

The District has moved to dismiss this protest ground as untimely because Watkins knew of the underlying facts long before it filed this protest count on August 26, 2005. We agree with Watkins that the ground was timely filed because Watkins did not know that this issue prejudiced it until it received the Business Clearance Memorandum of the contracting officer.

On the merits, we conclude that the contracting officer did not err in awarding 9 points to Hawk One. There is no question that Hawk One was properly certified as of the date it submitted its proposal and therefore met the certification requirements for all of the LSDBE preferences, including the DEZ preference. It continued to be certified through the date of contract award. The fact that Hawk One's certification was to expire approximately a month after award does not form a basis for negating the application of the preference points here.

**CONCLUSION**

Watkins has not demonstrated that the technical evaluation of Hawk One and itself violated law or the terms of the solicitation. We find that the record adequately supports the findings of the TEP and the contracting officer. The contracting officer properly made an independent and thorough evaluation of the proposals as supplemented by the BAFOs, and we find no error in either her ultimate rankings or in the source selection. We have carefully considered each of Watkins' arguments, but conclude that the award should be sustained. Accordingly, for the reasons discussed above, Watkins' consolidated protests are denied.

**SO ORDERED.**

DATED: December 21, 2005

/s/ Jonathan D. Zischkau  
JONATHAN D. ZISCHKAU  
Chief Administrative Judge

CONCURRING:

/s/ Warren J. Nash  
WARREN J. NASH  
Administrative Judge