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# Decision

**Matter of:** Tiber Creek Consulting, Inc.

**File:** B-422925; B-422925.2

**Date:** December 18, 2024

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## DIGEST

1. Protest of a weakness assessed under the most important aspect of the most important factor is denied where the agency's rationale for the weakness is reasonable and consistent with the terms of the solicitation and the contents of the proposal.
  2. Allegation of disparate treatment is denied where the protester fails to demonstrate that different evaluation results were based on substantively indistinguishable approaches.
  3. Challenge of the best-value tradeoff as failing to support award to the higher-rated, higher-priced offeror is denied where the tradeoff decision is sufficiently documented and consistent with the terms of the solicitation.
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## DECISION

Tiber Creek Consulting, Inc. (Tiber) of Fairfax, Virginia, protests the issuance of a task order to Halvik Corporation (Halvik) of Vienna, Virginia, under request for task order proposals (RFTOP) No. W519TC-24-R-ATRR, issued by the Department of the Army, Army Materiel Command, for services involving the Army Training Requirements and Resources System (ATRRS). The protester challenges the agency's evaluation of proposals and best-value tradeoff decision.

We deny the protest.

## BACKGROUND

ATRRS is a “mission critical” centralized information system that serves as the system of record for managing individual institutional training throughout the total Army, active and reserve. Combined Contracting Officer’s Statement and Memorandum of Law (COS/MOL) at 6; Agency Report (AR), Tab 11, Performance Work Statement (PWS) at 4. Among its many functions, ATRRS manages over 29,000 courses conducted at more than 1,200 schools. AR, Tab 11, PWS at 5.

The RFTOP was issued on December 20, 2023, under the fair opportunity procedures of Federal Acquisition Regulation (FAR) section 16.505, to holders of the Army’s Computer Hardware Enterprise Software and Solutions Information Technology Enterprise Solutions-3 Services (ITES-3S) indefinite-delivery, indefinite-quantity (IDIQ) contract. AR, Tab 3, RFTOP at 1, 3. The Army sought proposals for “all personnel, services, equipment, materials, facilities, supervision, and other items necessary” to perform “configuration design, operation, programmatic support, and maintenance” of ATRRS. AR, Tab 11, PWS at 4.

The solicitation contemplated the issuance of a fixed-price task order with a 1-year base period and four 1-year option periods.<sup>1</sup> RFTOP at 3. The task order would be issued to the offeror whose proposal represented the best value to the government considering the following evaluation factors, shown here in order of importance: (1) technical/management; (2) past performance; and (3) price. AR, Tab 17, Evaluation Criteria at 2. The technical/management factor was divided into the following subfactors: (A) transition-in plan; and (B) technical/management approach. *Id.* The technical/management approach subfactor was considered more important than the transition-in plan subfactor. *Id.*

Technical proposals would be rated adjectivally on a scale of outstanding, good, acceptable, marginal, or unacceptable. *Id.* at 4. A rating of outstanding was defined as: “Proposal demonstrates an exceptional approach and understanding of the requirements, contains multiple strengths and/or at least one significant strength, and risk of unsuccessful performance is low.” *Id.* In contrast, a rating of good was defined as: “Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength or significant strength, and risk of unsuccessful performance is low to moderate. *Id.* Proposals were due by February 5, 2024. AR, Tab 10, RFTOP Amend. 0007 at 1.

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<sup>1</sup> The solicitation noted that the ITES-3S IDIQ contracts are set to expire on September 24, 2027. RFTOP at 3.

The Army received four proposals in response to the solicitation. COS/MOL at 3. The relevant evaluation results are as follows:

	<b>Tiber</b>	<b>Halvik</b>
<b>Technical/Management</b>	Good	Outstanding
<b>Transition-In Plan</b>	Good	Good
<b>Technical/Management Approach</b>	Good	Outstanding
<b>Past Performance</b>	Substantial Confidence	Substantial Confidence
<b>Price</b>	\$78,292,945	\$87,134,131

AR, Tab 33, Task Order Decision Document (TODD) at 18. Based on those results, the agency found that Halvik’s proposal offered the best value. *Id.* at 30. Accordingly, the agency issued the task order to Halvik. COS/MOL at 3.

On August 28, the Army provided Tiber with an unsuccessful offeror notice. AR, Tab 34, Debriefing Letter at 1.<sup>2</sup> Tiber’s notice included a written debriefing which explained that Halvik’s proposal offered the best value, in part due to Halvik’s superior rating under the technical/management approach subfactor. *Id.* at 32-33. Of note, the debriefing discussed a “noteworthy” weakness assessed to Tiber’s proposal under the technical/management approach subfactor due to Tiber’s proposed approach to staffing a key person position. *Id.* at 33. Tiber timely submitted questions to the Army which were answered on September 6. COS/MOL at 4. On September 11, Tiber filed the instant protest with our Office.<sup>3</sup>

## DISCUSSION

Tiber raises three primary challenges. First, it challenges the reasonableness of the weakness assessed to its proposal under the technical/management approach subfactor. Second, it contends that the agency engaged in a disparate evaluation under the technical/management approach subfactor. Finally, it challenges the agency’s best-value tradeoff as unreasonable for failing to justify making award to the higher-priced, higher-rated offeror, and for overemphasizing the previously mentioned weakness. As discussed below, we find no basis to sustain the protest.<sup>4</sup>

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<sup>2</sup> Unless noted otherwise, citations to the record are to the Adobe Acrobat PDF page numbers of documents.

<sup>3</sup> The value of the issued task order exceeds \$25 million. Accordingly, our Office has jurisdiction to hear Tiber’s protest. 10 U.S.C. § 3406(f); FAR 16.505(a)(10)(B)(2).

<sup>4</sup> Tiber raises other collateral arguments. We have reviewed them all and find no basis to sustain the protest.

## Weakness Under the Technical/Management Approach Subfactor

As noted, Tiber first challenges the weakness assessed to its proposal under the technical/ management approach subfactor. As explained below, we find the allegation amounts to disagreement with the agency's evaluation judgments and thus does not provide a basis to sustain the protest.

Under the technical/management approach subfactor, offerors were required to describe their approach "to meeting the requirements in the PWS." AR, Tab 16, Instructions to Offerors at 5. The solicitation listed six minimum requirements under this instruction, one such requirement being the submission of a notional staffing plan detailing proposed labor categories, full-time equivalents (FTEs) staffing, and productive labor hours per FTE under each contract line item number (CLIN). *Id.* Staffing plans would be evaluated to determine the extent to which they were: "(a) suitable and feasible; and (b) likely to provide sufficient labor categories, [FTEs] and productive labor hours per FTE to execute each [CLIN] successfully." AR, Tab 17, Evaluation Criteria at 5.

Relevant here, the PWS included a requirement to staff a key person position called the Senior Technical Manager Web (STM-W). AR, Tab 11, PWS at 26-27. The PWS explained that the STM-W "shall be responsible for the web-based and web-related components of ATRRS."<sup>5</sup> *Id.* at 26. The PWS further stated that ATRRS requires the ability to provide immediate support 24 hours per day, 7 days per week. *Id.* at 5.

Tiber proposed to fill the STM-W position using [DELETED] FTEs with labor hours distributed over three CLINs, two of which were optional CLINs. AR, Tab 22, Tiber Technical Volume at 48 (spreading STM-W labor hours over CLINs 0001AA, 0001AB, and 0008AD). Tiber's proposal earned a rating of good under the technical/ management approach subfactor. AR, Tab 28, Tiber Evaluation Report at 5. This rating was based on 11 strengths and--as noted--1 weakness. *Id.* The weakness was assessed for Tiber's proposed STM-W approach, as described in its notional staffing plan. *Id.* at 11.

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<sup>5</sup> The agency explains that there were 27 CLINs with a nexus to web-based and web-related components of ATRRS. See COS/MOL at 24-25. For example, CLIN 0001AA, ATRRS Core Application, mapped to the web-based and web-related components of PWS sections 5.1-5.7. *Id.* at 24; *compare* AR, Tab 11, PWS at 56 (overview for PWS section 5 and discussing the core support requirements), *with* AR, Tab 13, Price Matrix (listing CLINs). As another example, CLIN 0002AA, Integrated Personnel & Pay System-Army (IPSS-A) Interface, mapped to the web-based and web-related components of PWS section 5.10. COS/MOL at 24; *compare* AR, Tab 11, PWS at 80-81 (PWS section 5.10 labeled "Integrated Personnel & Pay System-Army (IPSS-A) Interface"), *with* AR, Tab 13, Price Matrix. Tiber does not challenge the agency's explanation of the mapping of the CLINs.

In short, the technical evaluation team (TET) assessed the weakness based on its conclusion that “one person [was not] capable of performing all the PWS requirements associated with [the STM-W] position.” AR, Tab 28, Tiber Evaluation Report at 11. More specifically, the TET stated:

Based on the Government’s experience managing the ATRRS Enterprise . . . the Government does not believe one person is capable of performing all the PWS requirements associated with [the STM-W] position. ATRRS consists of over 60 system interfaces and over 60 web-enabled capabilities supporting numerous commands and agencies across the [Department of Defense] enterprise. Therefore, having only one [STM-W] increases the risk across the ATRRS enterprise because a single [STM-W] will not have the time and ability to fulfill all the command and agency requirements in the ATRRS PWS. Further, having only one [STM-W] may create a single point of failure because having only one individual with the skills and experience necessary to manage all the web-based and web-related components of ATRRS may adversely affect the effectiveness and efficiency of the ATRRS Enterprise if that individual is not available to address issues as they arise on a 24/7/365 basis. Finally, having only one [STM-W] limits perspective and creates potential biases in determining effective solutions to problems impacting web-based and web-related ATRRS components.

*Id.* at 11.

As alluded to, this weakness provided the source selection authority (SSA) a basis to distinguish the competing proposals. AR, Tab 33, TODD at 29. The SSA found the weakness notable, echoing the TET’s concerns and finding that it indicated performance risk in Tiber’s approach. *Id.* at 29-30. In sum, the SSA concluded that Halvik’s proposal was technically superior and warranted the price premium associated with Halvik’s proposal. *Id.* at 30; *see also* AR, Tab 34, Debriefing Letter at 32-33 (providing a copy of the SSA’s best-value decision).

Tiber raises a multifaceted challenge to the reasonableness of the weakness.<sup>6</sup> Protest at 10-13; Comments at 2-10. Notwithstanding the multiple prongs of argument, the gravamen of the challenge is that Tiber’s proposal met the requirements of the solicitation and sufficiently demonstrated the ability to fulfil the requirements associated with the STM-W position.

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<sup>6</sup> For example, Tiber contends that the agency inappropriately evaluated its notional staffing plan against the requirements of the PWS rather than against the requirements of the CLINs, failed to account for staffing redundancy built into its approach, and improperly used the independent government cost estimate during the evaluation. Protest at 10-13; Comments at 2-10. We have reviewed these challenges and find that none provide a basis to disturb the agency’s evaluation conclusions.

In this regard, Tiber contends that its proposed STM-W would serve in a managerial role, and that individuals supervised by the STM-W would share the responsibilities of the web-based and web-related components of ATRRS. Protest at 11-12; Comments & Supp. Protest at 5 (“Tiber Creek provided the coverage needed for the web-based and web-related ATRRS components, but just did it through non-key labor categories / positions that had names *other than* [STM-W]”). According to Tiber, since it proposed a team to perform the web-based and web-related components of ATRRS, the agency’s concern about the STM-W position was unreasonable, as the agency failed to recognize the full coverage offered by Tiber’s team. See Comments & Supp. Protest at 4-6.

The agency defends its evaluation of Tiber’s proposal as reasonable and consistent with the terms of the solicitation. According to the agency, due to the breadth of responsibilities associated with the STM-W position, the technical evaluators reasonably concluded that Tiber’s proposed approach to staff the STM-W position with [DELETED] FTEs represented a weakness in the proposal.<sup>7</sup> COS/MOL at 15.

In discussing the breadth of responsibilities associated with the STM-W position, the contracting officer states that the web-based and web-related components of ATRRS cover over 60 capabilities, applications, modules, systems, and interfaces. *Id.* at 9. According to the agency, the STM-W’s responsibilities touch upon numerous PWS requirements associated with 27 CLINs. *Id.* at 9-10, 24-25. Based on the broad responsibilities established by the solicitation and the narrow staffing proposed by Tiber, the agency argues that Tiber’s approach to the STM-W position failed to demonstrate how Tiber would “execute the full breadth of the responsibilities” associated with the STM-W position and thus the assessed weakness was reasonable. *Id.* at 25.

Responding to Tiber’s supposed team approach to the STM-W duties (see Protest at 11-12), the agency argues that Tiber’s proposal did not demonstrate how the proposed STM-W would manage anyone nor did it demonstrate how Tiber’s team would satisfy the requirements associated with the STM-W position with individuals other than the STM-W. COS/MOL at 18-22. Further, the agency contends that Tiber’s proposal does not demonstrate how individuals other than the STM-W would have the necessary qualifications to discharge the duties associated with the STM-W position. *Id.* at 21.

The evaluation of proposals in a task order competition is a matter within the contracting agency’s discretion since the agency is responsible for defining its needs and the best method for accommodating them. *Szanca Sols., Inc.*, B-422097, Jan. 17, 2024, 2024 CPD ¶ 26 at 5. In reviewing protests challenging the evaluation of an offeror’s proposal,

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<sup>7</sup> The agency explains that the STM-W position is “critical to the successful operation and maintenance” of ATRRS, systems-wide. AR, Tab 2a, Decl. of Subject Matter Expert (SME) ¶ 8. According to the Army, in the event of a system failure, the STM-W “must be available to immediately assess the situation, formulate a plan to remedy the situation, and ensure the plan is executed[.]” *Id.* ¶ 14(d). In the agency’s view, relying on a single person to fulfil the role of STM-W would introduce “a significant level of risk” as one person cannot always be available. *Id.*

we will not reevaluate proposals. *Id.* Rather, we examine the record to determine whether the evaluation was conducted reasonably and in accordance with the terms of the solicitation and applicable statutes and regulations. *Enterprise Res. Planned Sys. Int'l., LLC*, B-419763.2, B-419763.3, Nov. 15, 2021, 2021 CPD ¶ 374 at 5. A protester's disagreement with an agency's judgment, without more, does not demonstrate that the evaluation was unreasonable. *Id.* Additionally, offerors are responsible for submitting adequately written proposals. *Logis-Tech, Inc.*, B-407687, Jan. 24, 2013, 2013 CPD ¶ 41 at 5. An offeror failing to do so runs the risk of its proposal being evaluated unfavorably. *Id.*

On this record, we conclude that the weakness assessed to Tiber's proposal was reasonable. As noted, Tiber's STM-W approach involved [DELETED] FTEs, spread over three CLINs to perform all the duties and responsibilities associated with the STM-W position. The record reflects that Tiber's proposal did not include STM-W staffing for numerous CLINs containing PWS requirements associated with the STM-W position. As such, we find the assessment of a weakness, in this regard, to be reasonable and consistent with the terms of the solicitation. AR, Tab 22, Tiber Technical Volume at 48; AR, Tab 16, Instructions to Offerors at 5 (requiring notional staffing plan); AR, Tab 17, Evaluation Criteria at 5 (notional staffing plans would be evaluated to determine the extent to which they provide sufficient FTEs and productive labor hours per FTE to execute each CLIN). The agency has sufficiently justified its concern with having [DELETED] FTEs perform the broad requirements of the contemplated STM-W position.

Further, we are not persuaded by Tiber's contention that its proposed STM-W would manage a team, and the team would be responsible for fulfilling the STM-W duties associated with the web-based and web-related components of ATRRS. See Protest at 11-12; Comments & Supp. Protest at 4-6. Based on our review, we agree with the agency that Tiber's proposal does not clearly demonstrate such an approach. See AR, Tab 22, Tiber Technical Volume at 40-84 (technical/management approach); see *also id.* at 221-223 (resume of proposed STM-W). As we have consistently stated, offerors are responsible for submitting adequately written proposals. Here, to the extent Tiber proposed a team approach as it described in its protest, Tiber failed to make that clear in the proposal submitted to the Army. See *Logis-Tech, Inc., supra*. We also note that Tiber does not demonstrate that the solicitation permitted such an approach to fulfilling the STM-W position. In conclusion, we find that Tiber's challenge represents disagreement with the agency's evaluation judgments which does not provide a basis to sustain the protest. See *Enterprise Res. Planned Sys. Int'l., LLC, supra*. Accordingly, this challenge is denied.

#### Disparate Treatment

Tiber next argues that the agency "[i]nconsistently [e]valuated"--that is, engaged in a disparate evaluation of proposals--under the technical/management approach subfactor. Comments & Supp. Protest at 6-7; Supp. Comments at 6-7. In this regard, Tiber argues that its proposal offered similar features to Halvik's proposal and did not

receive equal credit. Comments & Supp. Protest at 6-7. As discussed below, we deny the challenge.

Specifically, Tiber takes issue with a strength assessed to Halvik's proposal for its notional staffing plan. *Id.* The agency noted that Halvik's plan would provide flexibility to shift resources between CLINs and would introduce efficiencies by adjusting its skill mix over the course of contract performance. AR, Tab 30, Halvik Evaluation Report at 10 (detailing strength). According to Tiber, its proposal offered those same benefits and was not equally credited. Comments & Supp. Protest at 6. For example, Tiber argues that based on the definition of the word "notional," its notional staffing plan was inherently flexible. *Id.*; Supp. Comments at 6-7. Also, for example, Tiber contends that its proposal offered flexibility via the use of [DELETED], [DELETED], and [DELETED] for its staff. Comments & Supp. Protest at 6.

The agency argues that its evaluation was conducted fairly, and that Tiber has failed to demonstrate how the difference in evaluation results was not the product of substantively different approaches. Supp. COS/MOL at 13-15. Additionally, the agency notes that, to the extent Tiber seeks recognition for proposing flexibility through [DELETED] and [DELETED], such recognition was already awarded. *Id.* at 14; see AR, Tab 28, Tiber Evaluation Report at 10 (detailing strength for use of [DELETED] and [DELETED]).

In conducting procurements, agencies may not engage in conduct that amounts to unfair or disparate treatment of competing offerors. *UltiSat, Inc.*, B-416809 *et al.*, Dec. 18, 2018, 2019 CPD ¶ 6 at 9. To prevail on an allegation of disparate treatment, a protester must show that the agency unreasonably assessed weaknesses or failed to assess strengths for aspects of its proposal that were substantively indistinguishable from, or nearly identical to, those contained in another proposal. *Cognosante MVH, LLC*, B-418986 *et al.* Nov. 13, 2020, 2021 CPD ¶ 3 at 5.

On this record, we find no merit to the allegation of disparate treatment in the agency's evaluation of Tiber's proposal. As an initial matter, Tiber's only citation to either proposal comes in the form of a footnote criticizing Halvik for not identifying certain labor categories. See Comments & Supp. Protest at 7 n.1. Thus, on its face, the protester has failed to identify what, if any, aspects of its proposal are substantively indistinguishable from aspects of Halvik's proposal. As such, we have no starting point on which to entertain Tiber's contention that the Army disparately evaluated proposals from Tiber and Halvik.

Also, rather than demonstrating the alleged similarities in the proposals, Tiber's challenge, instead, points out their substantive differences. See *e.g.*, Supp. Comments at 7 ("Tiber [] not only proposed fewer hours for the [STM-W] Key Personnel position, it proposed fewer hours overall."). Accordingly, we have no basis to conclude that substantively indistinguishable aspects of the competing proposals were evaluated in an unequal manner. This protest ground is denied.



## Best-Value Tradeoff Decision

Finally, Tiber challenges the agency's best-value tradeoff decision. The protester argues that the SSA failed to sufficiently justify making award to the higher-rated, higher-priced offeror and put too much emphasis on the weakness assessed to Tiber's proposal under the technical/management approach subfactor. Protest at 13-14; Comments & Supp. Protest at 10-11. The agency defends its source selection decision. According to the agency, the SSA articulated several reasons for finding Halvik's proposal technically superior to Tiber's proposal, and sufficiently explained why that technical superiority justified paying the price premium. COS/MOL at 36-37. As discussed below, we deny this protest ground.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and price evaluation results. *General Dynamics Info. Tech., Inc.*, B-406059.2, Mar. 30, 2012, 2012 CPD ¶ 138 at 4. Price/technical trade-offs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the evaluation criteria. *Id.* In a task order competition conducted under FAR section 16.505, the agency's rationale for any tradeoffs made and the benefits associated with the additional price must be adequately documented. FAR 16.505(b)(1)(iv)(D), (b)(7)(i); *c.f.*, *Engility Corp.*, B-413120.3 *et al.*, Feb. 14, 2017, 2017 CPD ¶ 70 at 24. There is no need for extensive documentation of every consideration factored into a tradeoff decision. FAR 16.505(b)(7); *Engility Corp.*, *supra*.

Under the terms of this solicitation, award would be made to the offeror whose proposal represented the best value to the government. AR, Tab 17, Evaluation Criteria at 1. The solicitation established that the technical/management approach subfactor was the most important aspect of the most important evaluation factor. *Id.* at 2. The solicitation further established that when combined, the non-price factors were significantly more important than price. *Id.*

In conducting the best-value tradeoff, the SSA documented an assessment of all proposals under each evaluation factor. AR, Tab 33, TODD at 17-30. This included a comparative assessment of the proposals submitted by Tiber and Halvik. *Id.* at 18-19 (overall technical/management factor); *id.* at 21 (transition-in plan subfactor); *id.* at 25-27 (technical/management approach subfactor); *id.* at 27 (past performance factor); *id.* at 27-30 (price comparison); *id.* at 30 (overall best-value decision).

In comparing the technical proposals submitted by Tiber and Halvik, the SSA determined that they were comparatively equal under the transition-in plan subfactor. *Id.* at 21, 29. However, the SSA determined that the proposals were distinguishable under the technical/management subfactor--the most important aspect of the most important factor--and that Halvik's proposal was technically superior, which justified its price premium. *Id.* at 29. Key to this determination was the weakness assessed to Tiber's proposal under the technical/management approach subfactor. *Id.* While the SSA noted strengths associated with Tiber's approach, the SSA also found that the

noted weakness increased the performance risk associated with Tiber's approach and that the increased risk was critical to the best-value decision. *Id.* (explaining that selecting an offeror who can perform all tasks while minimizing risk is essential, and that Halvik demonstrated that ability while Tiber failed to do so).

In discussing the competing proposals under the technical/management approach subfactor, the SSA specifically noted why various strengths assessed to Tiber's proposal did not outweigh or offset comparative strengths found in Halvik's proposal. *Id.* By way of example, the TET noted two strengths in Tiber's proposal related to Tiber's proposed use of [DELETED] which was described as a virtual program/project management tool. AR, Tab 28, Tiber Evaluation Report at 14, 16. In comparison, the TET noted a strength in Halvik's proposal for its use of an "ATRRS management portal" described as a centralized platform for overseeing and coordinating various aspects of the contract. AR, Tab 30, Halvik Evaluation Report at 13. In considering these strengths, the SSA concluded that Tiber's two strengths "overlap because they both involve . . . [DELETED], and they are partially offset by Halvik's proposed use of a centralized ATRRS management portal[.]" AR, Tab 33, TODD at 26. The SSA conducted a similar analysis of other competing strengths. *See e.g., id.* at 29 (discussing competing strengths assessed for approaches to system maintenance experience and finding that the benefits associated with Halvik's approach completely offset the benefits associates with Tiber's approach).

Based on our review of the record, the SSA's analysis was reasonable and consistent with the terms of the solicitation and provided sufficient rationale to support the award decision. Further, we find no basis to conclude that the SSA overemphasized the weakness assessed to Tiber's proposal under the technical/management approach subfactor. *See* Comments & Supp. Protest at 11 (arguing that the weakness "does not justify the nearly \$9 million price premium" of Halvik's proposal, and that the agency's decision pays "a very high price for a very small risk"). As discussed, the weakness was assessed to Tiber's proposal under the most important aspect of the most important evaluation factor. *See* AR, Tab 17, Evaluation Criteria at 2; AR, Tab 28, Tiber Evaluation Report at 11; AR, Tab 33, TODD at 29. Based on the terms of this solicitation, we find reasonable the level of emphasis given to the weakness. In conclusion, we find nothing objectionable with the agency's best-value tradeoff decision. Accordingly, Tiber's challenge is denied.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel