

**BEFORE THE
MARYLAND STATE BOARD OF CONTRACT APPEALS**

**In the Appeal of
Aditi, LLC**

**Under DGS
RFP No. BPM043644**

Appearance for Appellant

Appearance for Respondent

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Docket No. MSBCA 3300

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OPINION AND ORDER BY MEMBER CARNAHAN

The Maryland State Board of Contract Appeals (“Board”) conducted a merits hearing in this Appeal on June 3, 2025. At the close of Appellant’s evidence, Respondent Department of General Services (“DGS” or “Respondent”) moved for judgment, and the Board granted Respondent’s motion. As explained below, we find that Appellant failed to meet its burden of proving that the evaluation of its proposal was improper or that the actions of the Procurement Officer (“PO”) were arbitrary, capricious, unreasonable, or in violation of law, or that Respondent was biased against Appellant.

PROCEDURAL HISTORY AND FINDINGS OF FACT

On May 10, 2024, DGS issued Request for Proposals No. BPM043644 (“RFP”) for multiple statewide contracts for agile resources and teams with the technical skills to support

technology modernization activities and staffing service needs in three (3) functional areas. Aditi, LLC (“Aditi” or “Appellant”) submitted a timely proposal for Functional Area 1, Software Engineering Resources (“FA-1”). According to the RFP at Section 2.1.5, “[n]o more than 15 awards will be made in Functional Area 1.”

The RFP provided for a virtual Pre-Proposal Conference on Friday, May 17, 2024, at 11:00 a.m., and included directions and instructions in Attachment A. It also provided an opportunity to submit any questions by Wednesday, May 22, 2024, at 2:00 p.m.

Section 6 of the RFP sets forth, among other things, information on the Evaluation Committee (“EC”), technical and financial proposal evaluation criteria, and selection procedures. The technical proposal evaluation criteria for this procurement are set forth in Section 6.2, which provides that “[c]ontracts will be awarded to all qualified Offerors most advantageous to the State, in accordance with Competitive Sealed Proposal procurement process under Code of Maryland Regulations 21.05.03.” Subsections 6.2.1 – 6.2.4 identified the four evaluation criteria, with additional references to sections of the RFP that more fully detail the specific requirements of each evaluation criterion.

In Section 5.3 Volume I – Technical Proposal included Subsection 5.3.2.O(2), the RFP stated:

Proposals that identify **specific benefits** as being contractually **enforceable commitments** will be rated more favorably than Proposals that do not identify specific benefits as contractual commitments, all other factors being equal. (emphasis added).

Of the 72 proposals submitted, 59 proposals, including Appellant’s, were deemed susceptible for award. On December 23, 2024, Appellant was notified by letter that it was not selected for award. On December 27, 2024, a debriefing was held, during which the PO informed Appellant that its proposal was ranked 2nd for financial and 42nd for technical, with an overall

ranking of 39th, and shared additional information, including the strengths and weaknesses in Appellant's technical proposal as noted by the EC. Among the weaknesses listed in the debriefing outline was that Appellant had "no enforceable commitments." *See* Hearing Transcript at 31:3-9.

On December 29, 2024, Appellant filed a protest asserting that Respondent's evaluation was flawed because Appellant's financial ranking was not taken into consideration, that the evaluation misconstrued critical aspects of the RFP regarding the evaluation process and proposed lead time, feedback and quality measures, and preferred offeror qualifications. Appellant also challenged the cited weakness of "no enforceable commitments" as "not acceptable." On January 31, 2025, the PO denied Appellant's protest. On February 5, 2025, Appellant filed its appeal to this Board.

At the merits hearing held on June 3, 2025, Appellant called two witnesses: Srihari Narayanan, CEO of Aditi; and Emmanuel Smith, the Procurement Officer. At the end of Appellant's case in chief, Respondent moved for judgment, and after deliberation, the Board granted Respondent's motion.

DECISION

The Board grants Respondent's Motion for Judgment because Appellant failed to meet its burden of proving that Respondent's actions were arbitrary, capricious, unreasonable, or in violation of law, or that Respondent was biased against Appellant.

Appellant's core arguments may be summarized as follows: (1) the evaluation process was flawed in that certain areas of its proposal were misconstrued; (2) its financial ranking was not taken into consideration in Respondent's award decision, and (3) Respondent's finding of "no enforceable commitments" as a weakness was "not acceptable" because Appellant believes that

its proposal exceeded the RFP's requirements for meeting the economic benefits criteria. We will address each of these arguments.

EVALUATION PROCESS

The evaluation process for this procurement was conducted according to the procedures outlined in COMAR 21.05.03 and Section 6.2 and 6.3 of the RFP, with the Selection Process Sequence described in Section 6.5.2. Technical proposals were scored independently by members of the EC who then consolidated these scores to provide an overall technical ranking. Next, financial proposals were evaluated and ranked, after which the scores were combined to provide an overall rank, with technical proposals being given more weight than financial proposals. *See* Hrg. Tr. at 69:17-22, 70:3-4.

Appellant asserts that the evaluation process was flawed in that the EC misconstrued aspects of the RFP, thus negatively impacting Appellant's technical ranking. The evaluation process is necessarily subjective, though it is guided by the evaluation criteria set forth in the RFP. No testimony was presented during the hearing, nor is there evidence in the documents that supports the allegation that the EC misconstrued any part of the RFP. Rather, the PO testified that the EC was familiar with the criteria in the RFP and that two of the evaluators were subject matter experts who helped draft the RFP. *See* Hrg. Tr. at 95:24-25, 96:1-2.

FINANCIAL RANKING

RFP Section 6.5.3 provides: "In making this most advantageous Proposal determination, technical factors will receive greater weight over the financial factors." Although Appellant argues that its financial ranking was not taken into consideration, no evidence presented at the hearing supports this allegation. The PO's final decision letter denying Appellant's protest stated that the "combined ranking of #39 reflects this weighting, consistent with the RFP criteria." The PO

testified that “the evaluators took a look at the technical score, the overall technical score of ranking, and then took the overall financial ranking and looked at them and determined the overall ranking.” *See* Hrg. Tr. at 68:4-8. He further testified that the evaluators “arrived at the technical ranking and then looked at the financial or financial ranking, and then looked at them and aligned them and determined the overall score.” *Id.* at 69:19-22. The PO acknowledged that “[t]he challenge of blending technical ranking with price to reach final overall ranking, is not always an easy one and by nature is subjective,” but testified that “maintaining a level playing field and the fairness of the process were paramount consideration throughout the procurement.” *Id.* at 78:2-8. We find no evidence to suggest that any action by the PO was arbitrary or capricious.

ECONOMIC BENEFITS TO THE STATE

The balance of Appellant’s argument concerns the sufficiency of its proposal with respect to the provision of economic benefits to the State and, more specifically, whether the proposal contained “enforceable commitments.” Appellant disagrees with Respondent’s finding of “no enforceable commitments” in its proposal, asserting that its response to this evaluation criterion exceeded the RFP’s requirements.

The PO pointed out in his final decision letter that the weakness in Appellant’s proposal was that it only “provided generic statements without enforceable commitments, as required under Section 6.2.3. Specific commitments from other offerors were more compelling in determining economic value to the State.” During his testimony, the PO discussed examples of enforceable commitments Appellant could have provided to better satisfy this evaluation criterion, such as a specific number of jobs Appellant would create, a quantifiable monetary benefit to the State resulting from these new jobs, and describing specific activities Appellant might undertake with a university such as creating a nonprofit. *Id.* at 90:11-25, 91:1-14.

Appellant further argues that the RFP does not define “enforceable commitments” and, therefore, that the “economic benefit” was an undisclosed evaluation criterion. *Id.* at 7:13-17, 8:8-19. First, however, this issue was not previously protested to the PO and the Board cannot now consider it. Second, any questions about the RFP’s terms or their applicability in the evaluation process were required to be asked by the deadline provided in the RFP’s Key Information Sheet and in the manner prescribed in RFP Section 4.3. Mr. Narayanan, Appellant’s CEO, testified that although he did not understand what was required for “enforceable commitments” because “the RFP did not clearly lay out what an economic benefit factor is or how it needs to be addressed,” *id.* at 35:18-20, he admitted that he did not do anything to clarify his lack of understanding. *Id.* at 36:5-9.

Finally, to the extent the argument seeks to raise alleged ambiguities in the RFP, Appellant was required to protest “before bid opening or the closing date for receipt of initial proposals.” *See* COMAR 21.10.02.03A. No such protest was filed.

CONCLUSION

While we can sympathize with Appellant’s disappointment and frustration with the outcome of this procurement, it is evident to the Board that Appellant’s arguments are in the nature of a disagreement with the evaluation process and judgment of the PO, which is “insufficient to show that the evaluation of proposals is unreasonable.” *AGS Genasys Corporation*, MSBCA 1325 at 1 (1987).

In the absence of any evidence that the PO’s actions were arbitrary, capricious, unreasonable, or in violation of law, or that Respondent was biased against Appellant, the Board finds that Appellant has failed to meet its burden of proof, and we therefore affirm the PO’s final

decision. For these reasons, the Board grants Respondent's Motion for Judgment and denies the Appeal.

ORDER

Based on the foregoing, it is this 9th day of July, 2025, hereby:

ORDERED that Respondent's Motion for Judgment is GRANTED, and the Appeal is DENIED.

/s/
Michael L. Carnahan, Jr.
Member

I concur:

/s/
Sonia Cho, Esq.
Chairwoman

/s/
Jill P. Carter, Esq.
Member

CERTIFICATION

COMAR 21.10.01.02 Judicial Review.

A decision of the Appeals Board is subject to judicial review in accordance with the provisions of the Administrative Procedure Act governing contested cases.

Md. Rule 7-203 Time for Filing Action.

(a) Generally. - Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of:

- (1) the date of the order or action of which review is sought;
- (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
- (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

(b) Petition by Other Party. - If one party files a timely petition, any other person may file a petition within ten days after the date the agency mailed notice of the filing of the first petition, or within the period set forth in section (a), whichever is later.

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I hereby certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals decision in MSBCA No. 3300, Appeal of Aditi, LLC under Maryland Department of General Services RFP No. BPM043644.

Date: July 9, 2025

/s/
Michael A. Dosch, Jr.
Deputy Clerk