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Understanding Technical & Management Evaluations

Jul 09, 2024

Understanding Proposal Evaluations

...Seven 90-minute classes, moving to a better understanding of Source Selection Evaluation

Understanding Proposal Evaluations: Technical & Management Evaluations – 09 Jul

Understanding Proposal Evaluations: Price Evaluations – 16 Jul

Understanding Proposal Evaluations: Past Performance Evaluations – 23 Jul

Understanding Proposal Evaluations: Cost Realism Evaluations – 30 Jul

Understanding Proposal Evaluations: Key Personnel Evaluations – 06 Aug

Understanding Proposal Evaluations: Socioeconomic Evaluations – 13 Aug

Understanding Proposal Evaluations: Responsibility Evaluations and Source Selection – 20 Aug

Objectives & Points of Reference

This is the 1st seminar segment of seven segments on Understanding Proposal (Source Selection) Evaluations

In this short period, we provide you a broad forum for discussion of Technical and Management evaluations

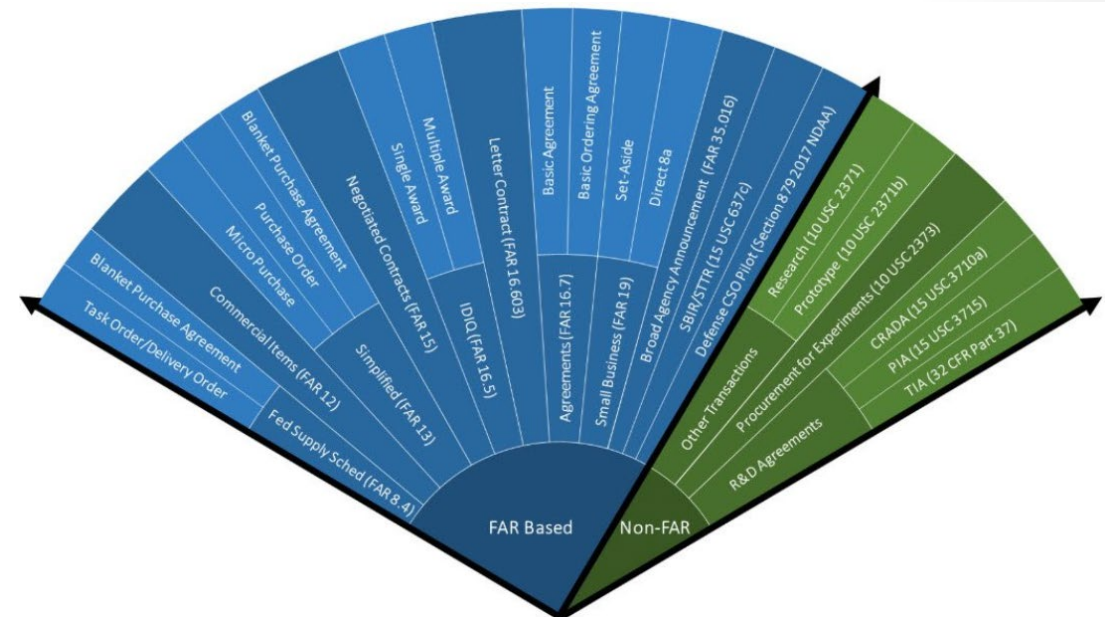
Multiple personalities abide here: “Am I source selection (former)?”, or “Am I industry (currently)?”

- I will talk from both perspectives (I will try to be clear as to role) – if not, ask please

We use selected guidance references, including Protest Case outcomes, though evaluation specifics can vary between agencies (slightly, in the big scheme of things)

- E.g., Is it FAR or an Agency specific supplement, e.g., DFAR for DoD, or NFS for NASA, etc. ...or is it not even FAR based?
- We refer to multiple FAR Clauses, USC’s, and Protest Cases to: Agency / Court of Federal Claims / Government Accountability Office
 - We WILL be splitting hairs (that’s the name of the game with the FAR – rules are very detailed and specific – following a “well it seems...” course of thinking is VERY dangerous – LOOK IT UP – key reference links are provided below

Small Print!



Discussion Topics...

A quarter inch deep, 4 acres wide...

Discussion of **statutory and regulatory provisions** for technical/management evaluations

Discussion of **standards of review** that agency evaluations are legally held to

Discussing of **evaluation factors**

Determining **evaluation rating schemes**

Analyzing **how agencies perform the evaluation**

Learning about **Oral Presentations**

Understanding how **contractor experience and Past Performance** are evaluated differently

Knowing how to **evaluate transition** (especially for the incumbent)

Seeing **where agency evaluations can get into trouble**

Understanding **how contractor proposals fall short** and can be improved

Authorities for Technical / Management Evaluations

The government must consider (or evaluate) quality in every negotiated procurement source selection

- Technical capability and management capability are the most common ways to determine the quality of an offeror's proposal

Key references:

- 10 U.S.C. Section 2305(a)(3)(A)(i) (2012)
 - Contracts: planning, solicitation, evaluation, and award procedures
- 41 U.S.C. Section 253a(c)(1)(A) (2012)
 - Planning and solicitation requirements: Evaluation factors
- FAR 15.304(c)(2)
 - Evaluation factors and significant subfactors



Why Do Technical & Management Evaluations?

Assessing the technical and management aspects of an offeror's submission are the core of a best value determination

Knowing that the offeror understands the technical requirements and can successfully manage the performance effort, are often the most important evaluation criteria

- Ref: FAR Section 15.304(a), (b)

Government agencies want to avoid risk

The COFC/GAO Standard of Review

Protests to: Agency / Court of Federal Claims / Government Accountability Office

Was the agency's evaluation reasonable and consistent with stated evaluation criteria and applicable procurement statutes and regulations

Mere disagreement with an agency's judgment is insufficient to render an evaluation unreasonable

Agencies are in the best position to judge the quality of offerors' proposals

Agencies get tremendous deference – if they adequately document conclusions and treat offerors equally

Evaluation Factors

RFP Sections L, M, and C must be integrated

Understand the purpose of each

- Section L: Instructions on how to submit proposal
- Section M: Evaluation Criteria
- Section C: What the contractor is to do/achieve post-award

Only Section M contains the evaluation criteria!!

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Section L: Instructions to Offerors

Have separate volumes for each major evaluation factor

Each volume should stand on its own

Have page limits, and page content limits/instructions

The instructions should tell offerors proposals are to indicate HOW they will achieve the stated technical and managerial requirements

- Merely “parroting” back the PWS requirements (i.e., saying they will be met) is not enough....e.g., “we will meet the...” “we understand”

Section M: Evaluation Criteria

The technical and management evaluation criteria must be thoroughly thought out – objective / measurable

Tailor the evaluation factors to the specific acquisition / opportunity

Include only the evaluation criteria which:

- (1) represents the key areas that the agency plans to consider
- (2) permit the agency to compare competing proposals meaningfully

Ref: FAR Section 15.304(a), (b)

Section M: Evaluation Criteria

Guidance to agencies...

Don't make the rating scheme too complex

It is common to create subfactors within a prime evaluation factor

Sometimes contracting agencies will create further subdivisions (e.g., elements below the subfactor levels) within each subfactor

- DON'T DO THIS!

Section M: Evaluation Criteria

Example Factors

Technical Approach

Key Personnel

Past Performance

Price

Section M: Evaluation Criteria

Example Subfactors

Technical

- A. Technical Approach (overall)
- B. Technical Approach (sample tasks)
- C. Corporate Experience
 - A. Note: CE is having performed similar work, and PP is focused on the quality of the work, more on this later
- D. Quality Control Plan (QCP) / Quality Assurance Surveillance Plan (QASP)
 - A. QCP-Validation (the quality exists, focus is to ID and fix defects) versus QASP-verification (it will be achieved, focus is to aim to prevent issues)

Management

- A. Management Plan
- B. Staffing Plan
- C. Transition Plan

Evaluating Proposals

The agency's evaluation should be two-step:

- First, compare each proposal to the RFP
- Second, compare offerors' proposals to each other (for the ~last decade)
 - This usually occur as part of the cost/technical tradeoff

Skipping the first step, and going directly to a comparison of offerors' proposals to each other, creates protest potential

Evaluation Rating Schemes

The evaluation rating scheme is the method by which to evaluate the relative quality of offerors' proposals

The rating scheme (and assigned ratings) are a means to an end: they are NOT an end to themselves

Use an adjectival rating scheme (e.g., outstanding, very good, satisfactory, marginal, unacceptable)

Example Adjectival Rating

Can be Technical, Technical/Risk, etc.

Table 2. Technical Ratings		
Color	Rating	Description
Blue	Outstanding	Proposal meets requirements and indicates an exceptional approach and understanding of the requirements. The proposal contains multiple strengths and no deficiencies.
Purple	Good	Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal contains at least one strength and no deficiencies.
Green	Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements. Proposal has no strengths or deficiencies.
Yellow	Marginal	Proposal does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements.
Red	Unacceptable	Proposal does not meet requirements and contains one or more deficiencies and is unawardable.

So, what is a “Strength”?

A strength is an aspect of an offeror’s proposal that: (1) exceeds the stated requirements; and (2) provides benefit (or value) to the Government (as viewed by the Government)

- Benefit means an objectively measured value in terms of cost, schedule, or performance

Just because an offeror proposes to exceed the stated requirements do not automatically make it a strength (proof? value?)

- Exceeding the requirement must be believed by the evaluator (proven) and provide additional value (in the Government's view)...yes foot stomp!

The evaluators are not required to document why something was not considered to be a strength (they don’t need to prove a negative)

Strengths can be “Significant Strengths”

And what is a “Weakness”?

“A flaw in an offeror’s proposal that increases the risk of unsuccessful contract performance.”

- FAR Section 15.001
- Think of it as an aspect of an offeror’s proposal which does not meet requirements in a minor way

Weaknesses can be further characterized as minor weaknesses or “significant weaknesses”

Numerous significant weaknesses can result in the evaluators reasonably concluding that the offeror’s proposal presents an unacceptable risk of unsuccessful performance

And What is a “Deficiency”?

“A material failure of a proposal to meet a government requirement.”

- FAR Section 15.001

A deficiency normally translates into an “unacceptable” rating for that area

An “unacceptable” rating in any one area (e.g., a subfactor) normally translates into an overall rating of “unacceptable”

You can't make award to a technically unacceptable proposal

Why Care About Strengths And Weaknesses?

Agencies need to adequately document the evaluation, in order to adequately document the basis of the contract award determination

Strengths and weaknesses become the actual discriminators between offerors' proposals.

- FAR Section 15.305(a)

Remember, the Government is not buying evaluation ratings!
(buying the offering)

Writing To Strengths, Avoiding Weaknesses And Deficiencies

Significant Strength

- A proposal area which **greatly** enhances the potential for successful performance or contributes significantly toward exceeding the contract requirements in a manner that provides additional value to the government

Strength

- A proposal area which **enhances** the potential for successful performance or contributes toward exceeding the contract requirements in a manner that provides additional value to the government

Weakness

- A flaw in the proposal which increases the risk of unsuccessful contract performance

Significant Weakness

- A flaw in the proposal which appreciably increases the risk of unsuccessful contract performance

Deficiency

- A material failure of a proposal to meet a government requirement or a combination of significant weaknesses in a proposal which increases the risk of unsuccessful contract performance to an unacceptable level

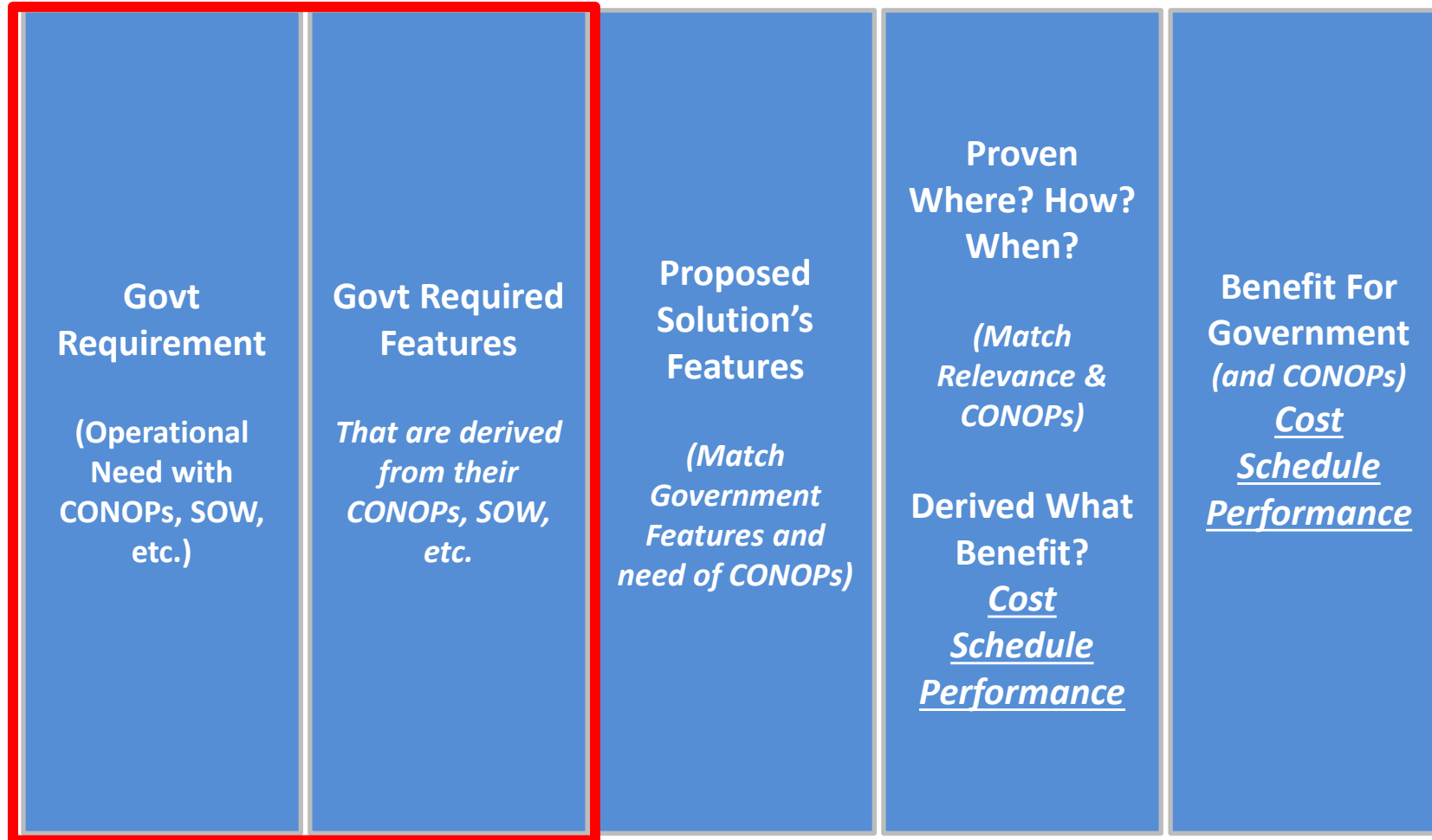
Example Adjectival Rating

How Strengths and Weaknesses play...

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Government Evaluators Want To See

Tying it all together – Requirements-Features-Proofs-Benefits (“RFPB”)



We normally combine these 2 into

Strength – From The Evaluators Perspective

A good proposer “Strengths” Style

- **STRENGTH:** Requirement of x exceeded by y (in terms of cost-schedule-performance during contract execution), as we did on program xyz, yielding a benefit of abc, and this program should expect specific example benefit as proof
- Clearly defined **exceeding the requirement**
 - E.g., We exceeded requirement for x, by x+ providing a margin of y%...
- Included **specific example**(s) of where they did it before, and what benefit (value) occurred
- Clearly defined the **benefit to the Government during Program execution**
 - Should be in terms of cost, schedule, or performance...using specific and objective criteria (e.g., if there is no number, it has likely become an unsubstantiated claim)
 - If it is a risk reduction benefit, it must specify the risk reduction in terms of cost, schedule, or performance, and quantified the risk reduction

So why do this? (If you are industry?): Enables you to help the evaluator write up your strengths (in order to give you credit for them)...strengths can dramatically raise your score

- Note: They will not have hundreds of these in a 150-page proposal, more like 10-15

Remember “Which FAR”

Regulations



FAR
Federal Acquisition Regulation



NMCARS
Navy Marine Corps Acquisition Regulation Supplement



DOSAR
Department of State Acquisition Regulation



HUDAR
Housing and Urban Development Acquisition Regulation



Chapter 99 (CAS)
CFR Title 48 Chapter 99



SOFARS
Special Operations Federal Acquisition Regulations Supplement



DTAR
Department of Treasury Acquisition Regulation



IAAR
Broadcasting Board of Governors Acquisition Regulation



DFARS
Defense Federal Acquisition Regulation Supplement



TRANSFARS
Transportation Federal Acquisition Regulation Supplement



EDAR
Department of Education Acquisition Regulation



JAR
Justice Acquisition Regulation



DFARSPGI
Defense Federal Acquisition Regulation Supplement PGI



AGAR
Agriculture Acquisition Regulation



EPAAR
Environmental Protection Agency Acquisition Regulation



LIFAR
Life Insurance Federal Acquisition Regulations



AFARS
Army Federal Acquisition Regulation Supplement



AIDAR
USAID Acquisition Regulation



FEHBAR
Federal Employee Health Benefits Acquisition Regulation



NFS
NASA Federal Acquisition Regulation Supplement



DAFFARS
Department of the Air Force Federal Acquisition Regulation Supplement



CAR
Commerce Acquisition Regulations



GSAM/R
General Services Acquisition Manual/Regulation



NRCAR
Nuclear Regulatory Commission Acquisition Regulation



DAFFARS MP
Department of the Air Force Federal Acquisition Regulation Supplement MP



DEAR
Department of Energy Acquisition Regulation



HHSAR
Health and Human Services Acquisition Regulation



TAR
Transportation Acquisition Regulations



DARS
DISA Acquisition Regulation Supplement



DIAR
Department of the Interior Acquisition Regulation



HSAR
Homeland Security Acquisition Regulations



VAAR
Veterans Affairs Acquisition Regulation



DLAD
Defense Logistics Acquisition Directive



DOLAR
Department of Labor Acquisition Regulation

Evaluation Factors

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Section C

...and L...and M

A well-developed (and high scoring) proposal will:

- Be **compliant** with Proposal development instructions (**Section L**) – following the Government’s directions without exception down to the Section L “phrase level” ...IN ORDER
 - “Phrase level” – expect the proposer to make it clear they are addressing each fragment of Section L
- **Responsive** to **Section C**
 - SOW requirements mapped (and answered) clearly into the Section L document outline – discussing delivered features (what, when, who, how, why), with proofs (where this was done before that is relevant, and benefit/value achieved there), and benefits to the Government Agency procuring this
 - Answer Section C requirements per instructions in Section L & M (talk to the parts of Section C, that Section L tell you to answer)
- By accomplishing L & C as above (and following “R-F-P-B” expectations on slide 25) the proposal will be **compelling** (to **Section M**) by specific data supporting the determination of Strengths and Significant Strengths, while avoiding weaknesses, significant weaknesses, and deficiencies

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Evaluating Proposals

When the agency evaluators are reviewing proposals, the word they should be using repeatedly is “BECAUSE”

- If you are industry, you should be making sure they are not having to ask, “so what....”
- “...I find this to be a strength because it is: a quantitative enhancement; a qualitative enhancement, it reduces risk by, etc.”
- “...I find this to be a weakness because it: doesn’t meet quantitative requirements; doesn’t meet qualitative requirements; fails to provide sufficient detail; fails to show proof-credibility; indicates a lack of understanding; enhances performance risk, etc.”

As an evaluator, you keep tying things back to the RFP requirements

Section C – Special Topic!

Should versus Shall

The argument of “shall versus should”

Responsive to Section C

- Shall (aka Must)
 - Denotes the imperative (FAR 2.101 Definitions)
- Should
 - Means an expected course of action or policy that is to be followed unless inappropriate for a particular circumstance (FAR 2.101 Definitions)
- Remember Section L & M instructions referring to Section C

How might it be handled? (Be careful how you read Section M and consider possible outcomes)

- Shall – no strengths, only weakness if you do not do it
- Should – strength, or could be a “not applicable” (yes, can still create a weakness depending on the context)

Evaluating Proposals

The agency's evaluation is generally limited to the “four corners” of the offeror's proposal.

- Offerors do not get credit for what they didn't propose – if its not there, the evaluator can't very well evaluate it
 - Except things like CPARS, other allowed Past Performance reference documents, and Responsibility (Evaluation) Information

Evaluators may consider matters outside the offerors' proposals (e.g., the internet) if not prohibited by the solicitation, but are not required to do so

- And it opens to a lot of questions as to why, proof, etc.

When performing the evaluation, only assess the subfactors. The subfactor ratings then roll-up mechanically and create the factor ratings.

- There is no rating for the prime factor separate from the subfactor ratings

The End Product: A Well-Written Evaluation Report

The end product is an evaluation report explicitly summarizing the evaluation findings (i.e., strengths, weaknesses, deficiencies) and evaluation ratings

The evaluation report must stand on its own

- It is this report that the SSA will use when making the award determination.
- It is this report that could become the subject of review in a protest

Use the evaluation report for discussions with offerors

- Depending on local rules, this may be as simple as just ripping it apart and give each offeror their own portion when holding discussions



NASA HLS Source
Selection Report

Three Golden Rules (for Agency Evaluations)

Do what you told offerors you were going to do

Document adequately what you did

Treat offerors fairly

Oral Presentations

Oral Presentations can be a helpful way for the offeror to present, and the agency to assess, the quality of the technical and management submission. FAR Section 15.102

Sample task as an oral presentation? (See J5 Sys., Inc., B-406800, Aug. 31, 2012, 2012 CPD ¶ 252)

- [J5 Systems, Inc. | U.S. GAO](#)

Is the agency going to ask questions as part of the oral presentation?

- See Global Analytic Info. Tech. Servs., Inc., B-298840.2, Feb. 6, 2007, 2007 CPD ¶ 57 (the exchange with offeror during oral presentation became discussions)
- [Global Analytic Information Technology Services, Inc. | U.S. GAO](#)

Make sure to document the oral presentation!!!!

Some thoughts from a former evaluator:

- It can identify if there is a difference between “who wrote it” and “who will deliver it” – and help you as an evaluator answer is this a risk?
- Do they really know what they are doing? Or is this a memorized script?
- Questions during Orals can “remove the fog” around the delivery team’s real capability

Corporate Experience

Experience assesses whether the offeror has previously performed same or similar work

Experience is different from past performance: experience considers only the relevance of prior work, while past performance considers both the relevance and quality of prior work (how well it was performed)

How is the agency going to evaluate the experience of a joint venture offeror?

- Needs to be clearly identified before the RFP is released

Transition

An offeror's transition plan is an important component of its technical submission

Agencies hate performance risk (and change is risk)

- Key part of transition plan is does offeror understand the risks and how to successfully mitigate identified risks
- When a proposer identifies the “top 10 risks for a transition like this” – as an evaluator, I am looking for “...well did they design around it, or did they leave it on the table?”
- What about their transition “risk radar” approach to see unseen risks in time to resolve them with little to no impact?

What to do about the incumbent offeror? Do they have to transition?

- An exceptional incumbent will treat any new contract as a transition – and that can become a strength

Seeing Where Agency Evaluations Get In Trouble

Evaluators who don't know how to conduct an evaluation

Evaluators who are not “dedicated” (i.e., spending 100% of their time on) to the evaluation effort

Not adequately documenting evaluation conclusions

- Mere conclusions, or cursory findings, are bad
- If you don't write it down, it didn't happen

Overly-complex evaluation rating schemes

Understanding How Contractors Fall Short

Not following the proposal preparation instructions explicitly

“Parroting” the SOW or PWS requirements doesn’t demonstrate how you will meet those requirements

- This includes “we will...” or “comply” statements

Providing only what, not how (e.g., lack of R-F-P-B)

Making sure your proposal is consistent across different sections

If it’s not reflected in the proposal, there is no credit given

If something is ambiguous, there is usually no credit given

Trends in the Proposal Evaluation Process

Greater government reliance on SETA and A&AS contractors to assist with evaluations

Low-price, technically-acceptable (LPTA) as the basis for contract award is shrinking into the background (except when it is applicable)

- Best Value & Tradeoff analysis has become “overall” dominant again

Greater number of instances where contractors fail to raise concerns about the RFP (e.g., evaluation factors, proposal instructions) before the closing date

Levels of IP release in evaluation scores

Discussion Topics...

Discussion of **statutory and regulatory provisions** for technical/management evaluations

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Richard “Rick A to Z” Agopsowicz

CorVantage, LLC. Executive Vice President, Program Execution



“Rick A to Z” leads CorVantage Program Execution of client strategies and programs to achieve their Business Objectives through Market Analysis, Pipeline and Business Development, Capture, Negotiations, and Public Sector Program Execution.

Professional Experience:

“A to Z” has over 45 total years of Government and Industry experience in operations and government acquisition across R&D and operational programs, complex program management, systems development engineering, Information Assurance, Information Operations/Cyber Development & Special Technical Operations, and business capture.

During his preceding 30-year career with the U.S. Air Force, he held positions from B-52 operational squadron level up to that of Director at the Air Force Information Warfare Center. He has spent 20+ years as an industry senior executive working with over 50 clients winning and executing programs. This includes leading over 170 campaigns across 42 Federal Agencies and 17 State & Local Governments as well as commercial business-to-business. He has worked in defense, homeland security, intelligence, Special Operations, energy, health and human services, biotechnology & life sciences, IT/telecommunications, and transportation.

“A to Z” is actively involved in the Professional Services Council, Washington Homeland Security Roundtable, Coast Guard Industry Academy Alumni Association, University advisory boards, and Technology Incubators & Accelerators. He is a guest lecturer at Defense Acquisition University DAWIA Senior Program Management and Contracting Officer courses. He also is a professional educator in Accessing Government non-dilutive R&D Funding, Source Selection Evaluation, Innovative Contracting, DoD Adaptive Acquisition Framework, and Best Practices in Business & Capture Leadership with George Mason University, Public Contracting Institute, and Federal Publications Seminars as well as directly with CORTAC Clients.

About CorVantage, LLC. For more than 14 years, our team has worked together providing proven leadership to help our clients succeed in Business Expansion & Capture, and Public Sector Program execution. We bring a team of seasoned professionals which have demonstrated success and a commitment to foster a collaborative team environment. Our team leaders have an average of more than 25 years of experience capturing and managing multi-billion-dollar projects.

Richard “A to Z” Agopsowicz

Selected Previous Experience

EVP, Business Capture & Program Sector Execution, CORTAC Group, Inc.

Managing Director, Business Development, Robbins-Gioia, LLC.

Senior Vice President, Capture Practice, Steven Myers & Associates

Director, US Air Force Information Warfare Center (AFIWC/RM), and Technical Director, Advanced Programs “Skunk Works”

Planner and operational lead conducting special operations in support of SOCOM, EUCOM, CENTCOM, LANTCOM, Intelligence Community, and UK MOD

Conceptualized, organized, and led the development & employment of National level capabilities during Desert Storm Joint Force Component/Task Force Activities

Program Manager, Air Force Information Systems Security Research & Development

B-52 Squadron and Wing Combat Crew Flight Instructor (Defensive Air tactics, techniques, and procedures) and Combat Crew Training School Flight Instructor

Strategic Air Command, 1st Combat Evaluation Group, COMBAT SKYSPOT instructor, as well as assigned to multiple 1CEVG Sites

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