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Decision

Matter of: MicroTechnologies, LLC

File: B-418894

Date: October 7, 2020

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Eric S. Crusius, Esq., and Amy Fuentes, Esq., Holland & Knight LLP, for SMS Data Products Group, Inc., an intervenor.

Colonel Patricia S. Wiegman-Lenz, Captain Allison K.W. Johnson, Colby L. Sullins, Esq., and Linda Vu, Esq., Department of the Air Force, for the agency.

Scott H. Riback, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of protester's proposal is denied where record shows that agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations.

DECISION

MicroTechnologies LLC (MT), of Tysons Corner, Virginia, protests the issuance of a task order to SMS Data Products Group, Inc., of McLean, Virginia, under request for proposals (RFP) No. FA2816-20-R-0004, issued by the Department of the Air Force, United States Space Force, to acquire information technology support services. MT argues that the agency misevaluated its proposal and made an unreasonable source selection decision.

We deny the protest.

BACKGROUND

The RFP contemplates the issuance, on a best-value tradeoff basis, of a fixed-price, indefinite-delivery, indefinite-quantity (IDIQ) task order to perform the solicited services for a 1-month phase-in period, an 11-month base period and four 1-year option periods. Offerors were advised that proposals would be evaluated considering two equally-weighted factors, price and technical. Agency Report (AR), exh. 7, RFP amend.

No. 0004, attach. 7, Evaluation Criteria, at 3. The RFP further advised that the technical factor included two subfactors listed in descending order of importance, staffing approach and management approach.¹ For price evaluation purposes, the RFP advised that the agency would review proposed prices for reasonableness, balance and consistency. *Id.* at 4-5.

The agency received a number of proposals in response to the solicitation, including those of the protester and the awardee. The agency assigned both of their proposals acceptable ratings under the staffing approach subfactor, and outstanding ratings under the management approach subfactor. AR, exh. 17, Source Selection Decision Briefing at 59, 75.² The protester's total price was \$41,999,965, and the awardee's total price was \$38,545,121.³ *Id.* On the basis of these evaluation results, the agency selected SMS for issuance of the task order on the basis of initial proposals, concluding that discussions would not measurably improve the proposals received, and that award to SMS would result in selection of the proposal offering the highest technical rating and lowest price. *Id.* 96-97. After being advised of the agency's selection decision, MT filed the instant protest.

DISCUSSION

MT argues that the agency misevaluated its proposal and, because of the alleged evaluation errors, also made an unreasonable source selection decision.⁴ We have reviewed all of the protester's allegations and find no basis to object to the agency's evaluation of MT's proposal. By extension, we have no basis to object to the agency's source selection decision. We note at the outset that, in considering challenges to an

¹ The RFP advised that the agency would assign strengths, weaknesses, significant weaknesses and/or deficiencies to the proposals, and also would assign adjectival ratings of outstanding, acceptable, or unacceptable for each subfactor. AR, exh. 7, RFP amend. No. 0004, attach. 7, Evaluation Criteria, at 3-4.

² The agency report includes a redacted version of the source selection decision briefing. Our citations are to the original page numbers of that briefing.

³ The task order was issued under the small business set-aside portion of a multiple-award IDIQ contracting program known as the network-centric solutions-2 program administered by the Air Force. Because the value of the task order is in excess of \$25 million, our Office has jurisdiction to consider the protest. 10 U.S.C. §2304(e)(1)(B).

⁴ In its initial protest, MT also challenged the agency's evaluation of SMS's proposal. The agency requested that we dismiss those allegations as speculative and for failing to state a valid basis for protest. 4 C.F.R. § 21.5(f). We agreed with the agency that MT's challenges to the evaluation of the SMS proposal were speculative and failed to state a valid basis for protest. *Id.* Accordingly, by notice dated July 24, 2020, we advised the parties that these issues would no longer be considered, and that further development of the record was not required. Electronic Procurement Docketing System No. 24.

agency's evaluation of proposals, our Office does not substitute our judgment for that of the agency; rather, we review the record to determine whether the agency's evaluation was reasonable and consistent with the solicitation's evaluation scheme and applicable statutes and regulations. *CDO Technologies, Inc.; Abacus Technology Corporation*, B-418111, *et al.*, Jan. 14, 2020, 2020 CPD ¶ 26 at 5.

The RFP required offerors to include two principal documents with their proposals to provide information about their proposed staffing approach. First, offerors were required to submit a staffing matrix, which was a table that listed the proposed labor categories, the number of full-time equivalents for each category, whether each position identified would be staffed by the prime contractor or a subcontractor, what Department of Defense or commercial certifications (qualifications) were applicable for each position, and what security clearance level was applicable to each position.⁵ AR, exh. 7, RFP amend. No. 0004, attach. 4, Instructions to Offerors, at 6.

Second, offerors were required to provide a labor category description document that detailed the qualifications, job responsibilities, educational level and experience requirements for each labor category identified in the staffing matrix. AR, exh. 7, RFP amend. No. 0004, attach. 4, Instructions to Offerors, at 6.

The record shows that the agency assigned a significant weakness to the MT proposal, in part, because its staffing matrix included information about the security clearances of certain positions that did not meet the requirements of the RFP. Also, the agency noted that the information provided conflicted with information about the required security clearances for the same positions that MT provided with the labor category descriptions.

MT argues that the agency acted unreasonably in assigning its proposal the significant weakness because it contained no more than what it characterizes as "minor inconsistencies" in detailing the security clearance requirements for the positions in question. MT maintains that information in its labor category descriptions correctly identified the security clearance requirements, and demonstrated the proposal's compliance with the RFP. The protester also asserts that it included resumes in its proposal that likewise identify the correct security clearance requirements for the positions.

We find no merit to this allegation. It is axiomatic that every offeror is responsible for submitting an adequately written proposal and bears the risk that the agency either may downgrade its proposal during evaluation, or find it unacceptable, where the offeror fails to demonstrate compliance with all of a solicitation's requirements. *McCann-Erickson USA, Inc.*, B-414787.2, Nov. 14, 2018, 2018 CPD ¶ 390 at 6.

⁵ The security clearance and qualifications requirements were detailed elsewhere in the RFP's performance work statement. AR, exh. 5, RFP amend. No. 0002, attach. 1, Performance Work Statement (PWS) at Para. 7.1.2.

The protester does not deny the existence of the inconsistency in its proposal, and an examination of its staffing matrix bears out the agency's finding that the matrix does not identify the correct security clearances for the positions in question. AR, exh. 9 MT Technical Proposal, at 17. The record also reflects that MT's labor category descriptions contain information concerning the required security clearances for these same positions that conflicts with the information in MT's staffing matrix. *Id.* at 197, 204. The evaluators assigned the significant weakness because the inconsistency in MT's proposal introduced a concern about whether or not the proposal met all of the RFP's requirements. The evaluators reached the following conclusion:

The Security clearance levels identified in the Staffing Matrix did not all meet requirements of PWS para 7.1.2. and DD 254. On page I-SF1-13 for the COMSEC [communications security] positions (Secret) does not meet requirements of PWS para 7.1.2. and DD 254 (TS-SCI [top secret-sensitive compartmentalized information]). Although the Labor Category description[s] for COMSEC (page I-SF1-192, 199) identifies the correct security clearance and the resumes for the individuals proposed in these positions have active TS clearances, this is captured as part of a significant weakness assigned since it is not clear whether the proposal meets requirements of PWS paragraph 7.1.2 due to conflicting information proposed.

AR, exhs. 14, 17, Technical Evaluation Report, at 2.⁶ The evaluators also noted that, although MT had included some resumes with its proposal, the resumes were not required by the RFP, and accordingly, they were not reviewed in any detail. *Id.*

Given these circumstances, we have no basis to object to the agency's assignment of the significant weakness, in part, because of this inconsistency in the MT proposal. The inconsistency reasonably could lead the evaluators to have a concern about whether, in fact, MT was proposing to meet the RFP's requirements. We therefore deny this aspect of MT's protest.

MT argues that the agency improperly applied an unstated evaluation consideration in evaluating its proposal as it relates to the required professional credentials or certifications for certain positions. In this connection, the record shows there were additional inconsistencies between MT's staffing matrix on the one hand, and its labor category descriptions on the other, in the identification and description of the required position credentials or certifications. These inconsistencies served as an additional

⁶ The agency report includes two exhibit 14s and two exhibit 17s. The first exhibit 14 is an individual evaluator worksheet, while the second exhibit 14 is the agency's consensus evaluation materials for MT. The first exhibit 17 also is the agency's consensus evaluation materials for MT, while the second exhibit 17 is the source selection decision briefing. Both of the consensus evaluation materials exhibits are identical.

basis for the agency's assignment of the significant weakness. The evaluators concluded as follows:

As proposed, it is not clear whether all positions . . . within the Cybersecurity and Communications Focal Point (CFP) Teams meet the [credential or certification requirements] identified in PWS paragraph 7.1.2 due to conflicting information. This increases the risk of unsuccessful performance in these two areas and will result in increased Government oversight required for tracking contract personnel certifications.

AR, exhs. 14, 17, Technical Evaluation Report, at 3. According to MT, the RFP only required an offeror's personnel to meet these credentialing requirements at the point in time when it actually assigned them to perform the requirement, not when proposals were submitted. MT therefore argues that the agency applied an unstated evaluation consideration in identifying this as an additional basis for assigning the significant weakness.

We find no merit to this aspect of MT's protest. As noted, the RFP did not require offerors to identify any particular individuals or employees for any of the anticipated positions to be filled during contract performance. Instead, offerors were required to provide only the staffing matrix and the labor category descriptions with their proposals. Accordingly, nothing in the RFP required offerors to identify any particular personnel with specific credentials; nothing in the RFP required that such personnel possess particular credentials at any particular point in time; and nothing in the RFP suggested that the agency would evaluate whether or not any particular personnel had particular credentials at a particular time.

Given the structure of the RFP, logic dictates that the agency could not have applied an unstated evaluation consideration, as suggested by MT. In fact, the agency did not have the information necessary to consider whether MT's prospective employees might have any particular credentials at any particular point in time. (As noted, MT, on its own initiative, included some resumes with its proposal, but the agency did not review those in any detail.) The agency's only conclusion, which is borne out by the record, was that there were inconsistencies between MT's staffing matrix and its labor category descriptions in describing the credentials necessary for certain labor categories. See AR, exhs. 14, 17, Technical Evaluation Report, at 3. Once again, MT has not denied the existence of these inconsistencies in its proposal or otherwise shown that the agency's conclusion was erroneous. We therefore deny this aspect of MT's protest.

Finally, MT argues that the agency erred in failing to assign additional strengths to its proposal. MT has identified a list of six alleged strengths that it believes should have been assigned. According to the protester, had the agency correctly recognized these strengths, its proposal would have received a higher rating.

We find no merit to this argument. As the agency notes, certain of these alleged strengths amount to no more than attempts at self-promotion on the part of MT. For example, MT argues, without evidence, that its communications security subject matter

expertise is unmatched by any other offeror. This essentially amounts to no more than disagreement with the agency's evaluation conclusions; such disagreement, without more, does not provide a basis for our Office to object to the agency's evaluation. *SOC LLC*, B-418027, B-418027.2, Dec. 30, 2019, 2019 CPD ¶ 16 at 8.

As to the remaining alleged strengths, the record shows that the agency evaluators actually considered them during the evaluation, but concluded that the assignment of a strength was not warranted. For example, MT claims that it should have received an additional strength for offering minimal transition risk because its team includes the incumbent contractors for the requirement. The record shows that one of the evaluators originally considered assigning a strength for this reason. However, after deliberation with the other evaluators and the contracting officer, that evaluator concluded that assignment of the strength was not warranted. The evaluator specifically stated as follows:

The Strength #2 for minimal transition risk has been removed. After discussion with the other Technical Evaluators and the CO [contracting officer] it was determined this did not rise to the level of a STRENGTH IAW [in accordance with] our Evaluation Criteria. Other evaluators pointed out that other offerors may well hire the same incumbents (as is traditionally done) and retaining incumbent employees does not exceed any particular PWS requirement. Further, detailed labor categories is a method of meeting basic PWS and ITO [instructions to offerors] requirements, not exceeding them. I didn't consider these ideas in my initial determination. Based on the above, the STRENGTH is removed from my initial evaluation and is reflected as such in the Technical Rating Justification document.

AR, exh. 16, Evaluator A's Individual Evaluation Sheet, at 4-5. Inasmuch as the record shows that the agency actually reviewed these additional areas of the MT proposal and considered whether to assign a strength--but nonetheless reached a reasoned and logical conclusion regarding the decision not to assign a strength--we have no basis to object to the agency's evaluation.

The protest is denied.

Thomas H. Armstrong
General Counsel