



DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Decision

Matter of: Agile Defense, Inc.

File: B-407179

Date: November 16, 2012

Paul A. Debolt, Esq., J. Scott Hommer, III, Esq., George W. Wyatt, IV, Esq., Melanie Jones Totman, Esq., and Christina K. Kube, Esq., Venable LLP, for the protester.

Lee Dougherty, Esq., and Katherine A. Straw, Esq., General Counsel, P.C., for FEDITC, LLC, the intervenor

Col. Mark S. Teskey, Maj. Frank Yoon, and Christina M. Wenzel, Esq., Department of the Air Force, for the agency.

Paula J. Haurilesko, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging an agency's determination that the protester's proposal was technically unacceptable is denied, where the agency reasonably found that the protester failed to propose sufficient staffing to meet the solicitation's requirements.

DECISION

Agile Defense, Inc., of Fairfax, Virginia, protests the award of a contract to FEDITC, LLC, of Rockville, Maryland, by the Department of the Air Force under request for proposals (RFP) No. FA4452-12-R-0012 for Executive Airlift Communications Network support services.

We deny the protest.

BACKGROUND

The RFP, issued as a small business set-aside, provided for the award of a fixed-price contract for Executive Airlift Communications Network support services for a base year and three option years.¹ See RFP at 1-8. The Executive Airlift

¹ The RFP also included a cost reimbursement line item for travel.

Communications Network provides in-flight command, control, and communications services for the President, members of Congress, and senior civilian and military leaders. Contracting Officer's (CO) Statement at 1. Access is provided via two ground entry points--known as air to global information grid gateways (A2G2)--located at Joint Base Andrews in Maryland, and Joint Base Lewis-McChord in Washington. Id.

Offerors were informed that award would be made on a best value basis, considering the following factors: technical, past performance, and price. The RFP provided that the agency would first evaluate proposals for technical acceptability, and then rank technically acceptable proposals by price, which was to be evaluated for completeness and reasonableness. Offerors were warned that the failure to meet a requirement may result in the proposal being rejected as technically unacceptable. RFP amend. 1, at 8-9. The RFP then provided that the agency would evaluate proposals under the past performance factor, and perform a past performance/price tradeoff analysis to select the proposal that reflected the best value. Id. at 9. Past performance was stated to be substantially more important than price.

The technical factor included two subfactors: staffing and technical approach. As relevant here, with respect to the staffing subfactor, offerors were required to provide "a detailed and effective staffing plan, as reflected in a personnel matrix, which identifies the necessary personnel resources given the approach to perform the PWS [performance work statement] tasks." Id. at 6, 9.

The required services and tasks were detailed in the PWS. Specifically, the contractor would provide A2G2 and communications network management support on a 24 hours per day, 7 days per week, and 365 days per year (24/7/365) basis at both joint bases. RFP, PWS, at 6, 13. In addition, the contractor would provide remedy configuration management services (help desk support services) 5 days per week at Joint Base Andrews. Id. at 8. The contractor was also required to provide engineering and technical support for a systems integration laboratory at Scott Air Force Base (AFB) in Illinois. Id. at 4.

The RFP provided the following historical workload estimates for a 12-month performance period at each location:²

	Hours	Staff
Scott AFB	13,440	7
Joint Base Andrews	19,200	10
Joint Base Lewis-McChord	11,520	6

RFP, attach. 4, Historical Workload Estimate by Location. The RFP did not identify the positions comprising the workload estimate.³ Offerors were informed that the current staffing at the joint bases was considered sufficient to provide support on a 24/7/365 basis, and that overtime would not be considered. Agency Report (AR), Tab 6, Question/Answer Nos. 5, 15.

The Air Force received proposals from eight offerors, including Agile and FEDITC. CO's Statement at 3. Agile teamed with the incumbent's subcontractor and proposed to provide the required support at Joint Base Andrews with [deleted] incumbent personnel: [deleted] network engineer, [deleted] network engineers, and [deleted] engineer. Agile proposed to use the [deleted]. Agile proposed to provide the required support at Joint Base Lewis-McChord with [deleted] personnel: [deleted] lead network engineer and [deleted] network engineers. See Agile Technical Proposal, at 4-5, 19.

Proposals were evaluated by the agency's source selection evaluation board (SSEB). CO's Statement at 3. As relevant here, the SSEB found that Agile's proposal was technically unacceptable under the staffing subfactor. Specifically, the evaluators found that, although Agile proposed [deleted] network engineers for Joint Base Andrews, one of the [deleted] engineers was identified as the lead network engineer. AR, Tab 9, Agile's Technical Evaluation, at 1. The evaluators concluded that Agile could not satisfy the requirement to provide support on a 24/7/365 basis with only [deleted] network engineers. In this regard, the evaluators noted that Agile's proposal did not state that the lead engineer would perform any

² The Air Force's staff estimate was based upon 1,920 hours per person. CO's Statement at 11.

³ The RFP consolidates the requirements previously performed under three separate contracts, one for each location. CO's Statement at 2. As relevant here, support at Joint Base Andrews under the predecessor contract is performed by 10 employees: a lead network engineer, a remedy software engineer (Help Desk), a network & voice-over internet protocol engineer, an information assurance engineer, a metrics analyst, a trainer, and four network engineers. See Agile's Comments, exhib. 1, Declaration of Subcontractor Program Manager, at 2; Supp. AR, attach. 1, Current Contract Personnel Memorandum, Oct. 2, 2012.

tasks supporting the A2G2 24/7/365 requirement, and that it was not clear why Agile proposed one less network engineer at Joint Base Andrews than the firm proposed to support Joint Base Lewis-McChord. Id.

The SSEB's evaluation results were provided to the source selection authority. AR, Tab 11, Proposal Analysis Report, at 43. In this regard, only FEDITC's proposal was found to be technically acceptable. Id. The source selection authority selected FEDITC for award. This protest followed a written and oral debriefing.

DISCUSSION

Agile presents numerous arguments that the Air Force unreasonably concluded that Agile's proposal provided inadequate staffing to meet the 24/7/365 requirement for Joint Base Andrews, and applied unstated evaluation criteria. We have considered all of Agile's arguments and find that the Air Force reasonably concluded that Agile failed to provide adequate staffing to meet the requirement. We address only the more significant arguments below.

Inadequate Staffing

Agile challenges the agency's evaluation of its proposed staffing, complaining that the Air Force did not consider that Agile's lead network engineer would also perform operational functions to satisfy the 24/7/365 support requirement at Joint Base Andrews.⁴ Protest at 18-20. In this regard, Agile contends that it is proposing the same structure--[deleted] network engineer and [deleted] network engineers--as was used to perform the predecessor contract and that it will be providing incumbent staff at Joint Base Andrews. Id. at 24; Agile's Comments at 8. Agile also complains that the Air Force focused solely on the number of proposed network engineers without considering the total number and experience level of the staff that it proposed. Protest at 14-15.

In reviewing protests challenging the evaluation of proposals, we do not conduct a new evaluation or substitute our judgment for that of the agency but examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria. EEC-Insight, JV, B-404959; B-404959.3, July 12, 2011, 2011 CPD ¶ 169 at 4. A protester's mere disagreement with an agency's judgment is not sufficient to establish that an agency acted unreasonably. Trofholz

⁴ Agile initially asserted that the PWS did not require 24/7/365 support for A2G2 activities at Joint Base Andrews, and that the Air Force failed to consider how Agile would recruit, retain, and reach back to meet staffing demands. Protest at 17-18, 24-25. However, the protester abandoned these arguments when it did not address the agency's response. Cedar Elec., Inc., B-402284.2, Mar. 19, 2010, 2010 CPD ¶ 79 at 3 n.4.

Tech., Inc., B-404101, Jan. 5, 2011, 2011 CPD ¶ 144 at 3-4. Moreover, it is an offeror's responsibility to submit an adequately written proposal that demonstrates the merits of its approach; an offeror runs the risk of having its proposal downgraded or rejected if the proposal is inadequately written. Id. at 4-5.

The Air Force acknowledges that the 24/7/365 requirement could be satisfied by four operational network engineers and a lead engineer where the lead engineer is also performing operational duties to meet the 24/7/365 requirement. AR at 8, 9-10. The Air Force contends, however, that Agile's proposal indicated that the firm would perform this requirement with [deleted] network engineers. In this regard, the agency contends that the SSEB carefully reviewed Agile's proposal with respect to the firm's proposed use of the lead network engineer but concluded that Agile identified the duties of the lead network engineer to be those of a supervisor and manager, and did not indicate that the lead network engineer would also perform the duties of an operational network engineer.⁵ Id. at 8. The Air Force states that the 24/7/365 support requirement at Joint Base Andrews cannot be satisfied by only four individuals.⁶

We have reviewed the evaluation documentation and considered the parties' arguments, and find no basis to question the agency's evaluation of Agile's proposal. The record demonstrates that the SSEB reasonably concluded that Agile's proposal did not cross-matrix the lead network engineer at Joint Base Andrews to perform operational network engineering functions to meet the 24/7/365 requirement. Although Agile points to numerous sentences in its proposal which it claims supports its position that it in fact proposed the lead network engineer to perform operational functions, see Protest at 18-20, we do not find that these references show that Agile had proposed to have its lead network engineer perform operational network engineering duties.

For example, Agile points to the following reference in its technical proposal:

[deleted].

⁵ The Air Force also states that, to the extent that Agile is contending that the firm's software engineer would perform network engineer responsibilities to meet the 24/7/365 requirement, Agile's software engineer was proposed to satisfy the help desk requirement. CO's Statement at 13-14.

⁶ The Air Force calculates that a contractor must provide at least 4.56 full-time equivalents (FTE) to satisfy 24/7/365 requirement. AR at 4. The agency calculated that satisfying the 24/7/365 requirement would annually require 8,760 hours of support (24 hours/day x 365 days/year), which the agency divided by 1,920 hours to reflect the number of hours to be provided by a single FTE. Agile does not dispute the Air Force's calculations.

Protest at 19, citing Agile Technical Proposal at 3. This reference, however, indicates only that the lead network engineers will perform management and supervisory functions, as the SSEB reasonably found.

We also find no merit to Agile's contention that its proposal should have been found technically acceptable under the staffing subfactor because Agile proposed the same structure as is being performing under the predecessor contract for Joint Base Andrews. The incumbent contractor cross-utilized the lead network engineer (the same individual proposed by Agile) to perform some operational network engineering duties to meet the 24/7/365 requirement. Agile, however, although proposing this same individual, did not propose to meet the 24/7/365 requirement by using the lead network engineer in the same way.⁷ Likewise, we do not agree that the experience level of Agile's proposed staffing demonstrates that Agile can meet the 24/7/365 requirement with only [deleted] engineers. As such, we find that the Air Force reasonably found Agile technically unacceptable under the staffing requirement.⁸

Unstated Evaluation Criterion

Agile also contends that the Air Force applied an unstated evaluation criterion by comparing the number of network engineers Agile proposed to support Joint Base Andrews with those it proposed to support Joint Base Lewis-McChord. Protest at 14, 22. In this regard, Agile contends that nothing in the PWS indicated that offerors were required to propose the same staffing at each location, or that the level of effort required at each location would be identical. Id. at 22.

While procuring agencies are required to identify significant evaluation factors and subfactors in a solicitation, they are not required to identify various aspects of each factor which might be taken into account, provided that they are reasonably related

⁷ Although Agile complains that the Air Force informed offerors that the staffing on the predecessor contracts was sufficient to meet the 24/7/365 requirement, the fact remains that Agile did not propose to satisfy the 24/7/365 requirement at Joint Base Andrews in the same way as the incumbent contractor.

⁸ Agile cites our decision in Orion Tech., Inc.; Chenega Integrated Mission Support, LLC, B-406769 et al., Aug. 22, 2012, 2012 CPD ¶ 268, as supporting its argument that the agency mechanically applied undisclosed staffing estimates. The facts of Orion are inapposite to the situation here. Unlike in Orion, the Air Force did not mechanically use an undisclosed staffing estimate but reviewed Agile's proposal to determine whether Agile could perform the 8,760-hour, 24/7/365 staffing requirement with its four operational network engineers. In this regard, the agency also considered how Agile proposed to use its lead network engineer.

to or encompassed by the RFP's evaluation criteria. Network Eng'g, Inc., B-292996, Jan. 7, 2004, 2004 CPD ¶ 23 at 3.

The Air Force responds that it was reasonable for it to compare Agile's staffing plans for the two joint bases, given that both locations are ground entry points with the same mission and that the PWS identified the same requirements with respect to A2G2 and communication network management support. AR at 11-12. The Air Force also contends that, although it compared the number of network engineers proposed at both locations, it also reviewed Agile's proposal to determine whether Agile provided a rationale for any difference in the proposed staffing. AR at 13; CO's Statement at 12-13.

We do not find that the Air Force applied an unstated evaluation criterion in comparing a firm's proposed staffing at the joint bases. The RFP provided that under the staffing subfactor, offerors were required to provide a detailed and effective staffing plan that identifies the necessary personnel resources to perform the PWS tasks. Given that the PWS provides the exact same requirements for A2G2 support and communication network management services to be performed at Joint Base Andrews and Joint Base Lewis-McChord on a 24/7/365 basis, we think that the agency's comparison of the number of staff Agile proposed at each location was reasonably encompassed by the staffing subfactor.⁹

In sum, we find no basis to question the agency's evaluation of Agile's proposal.

The protest is denied.

Lynn H. Gibson
General Counsel

⁹ Agile points to the historical staffing information provided in the RFP to support its position that the workload at the two locations is not identical. Protest at 22-23. However, the staffing under the predecessor contract contained additional requirements at Joint Base Andrews, such as separate positions for a trainer and a metrics analyst, that were not incorporated into RFP here--a point Agile recognized in its protest. See Agile's Comments at 5.