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**Comptroller General  
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**United States Government Accountability Office  
Washington, DC 20548**

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## Decision

**Matter of:** Systalex Corporation

**File:** B-407761; B-407761.2; B-407761.3

**Date:** February 12, 2013

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Andrew P. Hallowell, Esq., Pargament & Hallowell, for the protester.  
Ira E. Hoffman, Esq., Offit Kurman, for Prime Source Technologies, LLC, an intervenor.

Wilmary Bernal, Esq., Department of Commerce, for the agency.  
Mary G. Curcio, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### **DIGEST**

Protest challenging agency's evaluation of protester's proposal is denied where protester does not demonstrate that evaluation was unreasonable or inconsistent with the solicitation.

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### **DECISION**

Systalex Corporation, of Rockville, Maryland, protests the Department of Commerce, United States Census Bureau's issuance of a task order to Prime Source Technologies, LLC, of Falls Church, Virginia, under request for proposals (RFP) No. YA1323-12-CH-0002, for the support of financial and administrative services. Systalex asserts that the agency unreasonably evaluated its proposal.

We deny the protest.

### **BACKGROUND**

The solicitation was set-aside for small business concerns holding Federal Supply Schedule contracts under General Services Administration, Information Technology Schedule 70, North American Industry Classification System (NAICS) Code 541511, Custom Computer Programming Services. The Performance Work Statement (PWS) described the following tasks that the vendor would be required to perform: software development services and production support; software testing; database administration; project management support; training support; consulting support; and technical writing support. RFP § C.3.

The solicitation provided that a task order would be issued to the offeror whose proposal represented the best value based on consideration of five evaluation factors: technical/management approach; similar experience and past performance; key personnel; organizational resources; and price. RFP § M.1. The solicitation specifically cautioned offerors that:

[p]roposal text shall be specific, and clearly detail the Offeror's capabilities, knowledge, and related experience in performing the activities described in the Performance Work Statement (PWS). Statements that the Offeror 'understands' and 'will comply with the technical requirements' will not be adequate. Similar phrases such as 'standard procedures will be employed' or 'well-known techniques will be used' will not be acceptable.

RFP § L.2.2.

Proposals were received from five offerors, including Prime Source and Systalex. Following evaluation by a technical evaluation team (TET), which assigned strengths, weaknesses and risks to each offer under each technical factor, Prime Source, with a proposed price of \$21,695,717, was ranked first technically, and Systalex, with a proposed price of \$21,627,022, was ranked second technically. Technical Evaluation Consensus at 2.

The TET prepared a best value recommendation for the source selection official (SSO), in which it recommended that the task order be issued to Prime Source. In the recommendation, the TET recognized that both Prime Source and Systalex had presented sound technical approaches that demonstrated a clear understanding of the agency's requirements. TET Recommendation (TETR) at 4-5. However, after discussing the relative merits of each proposal, the TET concluded that the lower priced Systalex proposal did not provide the best value to the government. TETR at 10-11.

The SSO reviewed and agreed with the recommendation, resulting in issuance of a task order to Prime Source at a price of \$21,695,717. In his source selection decision, the SSO enumerated eight discriminators that led to his determination that Prime Source's proposal represented the best value notwithstanding its slightly (approximately 0.3%) higher price relative to Systalex's proposal. For example, although both Prime Source and Systalex proposed reducing staffing levels in the later years of the contract, Prime Source based its approach on **[REDACTED]**, while Systalex based its approach on **[REDACTED]**. Source Selection Decision Document (SSDD) at 9-10.

## DISCUSSION

### Protester's Challenge to the Agency's Discriminators

Systalex challenges the validity of several of the discriminators used by the agency to justify the selection of the slightly higher priced proposal submitted by Prime Source. In reviewing protests against allegedly improper evaluations, it is not our role to reevaluate proposals. Rather, our Office examines the record to determine whether the agency's judgment was reasonable, and in accord with the RFP criteria and applicable procurement statutes and regulations. SOURCECORP BPS Inc., B-406792, Aug. 24, 2012, 2012 CPD ¶ 250 at 3. Here, based on our review of the record, including the fact that Systalex challenges only a few of the discriminators, we find that Systalex's arguments furnish no basis for questioning the determination that Prime Source's proposal represented the best value.

#### Quality Level

The solicitation performance specifications included provisions for monitoring the quality of contractor performance. RFP, § M.2., Performance Requirements Summary Matrix, RFP, Att. J-5. For example, the solicitation provided that performance would be evaluated to determine the extent to which the contractor delivers products and services that meet all contract requirements. Performance Requirements Summary Matrix, RFP, Att. J-5. In this regard, the agency stated that it would inspect 100% of deliverable data and reports. Id. The solicitation further advised that performance without any required rework 80% of the time would be considered acceptable, while performance without rework 90% and 95% of the time would be considered very good and exceptional, respectively. Id.

Systalex asserts that it was unreasonable for the agency to conclude that it proposed an acceptable quality level of [REDACTED] (except for [REDACTED] for which it proposed [REDACTED] ), and assign it a risk in this regard. Proposal at 21. Systalex asserts that the agency misinterpreted its proposal as offering to provide the minimum quality level because it acknowledged this threshold; Systalex maintains that it was not proposing to perform at an acceptable quality level of only [REDACTED] .

The agency explains that it was concerned that Systalex was proposing the minimum acceptable quality level, which potentially increased the number of reworks and defects, and thereby also potentially impacted the scope of other planned activities. AR at 31.

Based on our review of the record, we do not find credible Systalex's claim that it was only acknowledging the minimum quality level established by the solicitation. Rather, we agree with the agency that Systalex's offer of a higher quality level for [REDACTED] (for which Systalex proposed a [REDACTED] quality level) reasonably indicated that where Systalex determined to commit to a higher quality

level, it would so indicate in its proposal. Systalex's failure to indicate a higher quality level for other services was reasonably read by the agency to indicate that in those instances Systalex was not proposing to perform at the higher level. Thus, in most instances (except for [REDACTED] ), the agency assumed that Systalex was offering only the minimally acceptable level of quality. Given that Prime Source committed to performing at a quality level of [REDACTED] , which significantly exceeded Systalex's proposed quality level, the agency reasonably concluded that the proposed quality levels of these two offerors provided a reasonable basis to discriminate between them.

#### Key Software Developer Experience

The agency also recognized as a discriminator that Prime Source's proposed key software developer had 9 years experience using Oracle service oriented architecture (SOA) and was certified in Oracle SOA, while Systalex's development lead did not have sufficient SOA experience. TETR at 40. Systalex asserts that the agency's conclusion in this regard was unreasonable because in its offer it indicated that its key developer, in his work on the incumbent contract, "has served as a conduit on the SOA integration project and the application of SOA technology to [Administrative Management System Division] business applications." Technical Proposal at 28.

We find the agency reasonably concluded that software developer experience was a discriminator favoring Prime Source. As an initial matter, we note that the solicitation specifically cautioned offerors that the "[p]roposal text shall be specific, and clearly detail the Offeror's capabilities, knowledge, and related experience." RFP § L.2.2. Systalex did not describe in its offer the nature of the development lead's experience as "a conduit on the SOA integration project," nor otherwise furnish the requested detail. Furthermore, Systalex has not rebutted the agency's determination that the Prime Source's proposed software developer had significantly more SOA experience than the development lead proposed by Systalex. Accordingly, there is no basis to question the agency's determination that Prime Source had an advantage in this area.

#### Other Weaknesses/Risks

Systalex challenges a number of weaknesses and risks that the agency assigned to its offer, but that were not considered discriminators in the award decision. Competitive prejudice is an essential element of a viable protest; where the protester fails to demonstrate that, but for the agency's actions, it would have had a substantial chance of receiving the award there is no basis for finding prejudice, and

our Office will not sustain the protest. Joint Mgmt. & Tech Servs., B-294229, B-294229.2, Sept. 22, 2004, 2004 CPD ¶ 208 at 8. Here, only one of the additional evaluated weaknesses (software developer experience) challenged by Systalex was considered a discriminator by the TET, or by the SSO. Nor is there anything in the record to suggest that if we were to conclude that these weaknesses (other than software developer experience) were unreasonable, their elimination would affect the award determination. In this regard, there is no basis for concluding that eliminating the weaknesses would eliminate the discriminators in favor of Prime Source that were relied upon in the award decision, most of which, as noted above, Systalex does not challenge. Accordingly, we find that even if the agency unreasonably assigned the weaknesses, Systalex was not thereby prejudiced.

#### Similar Experience and Past Performance

Systalex also asserts that the agency failed to evaluate past performance as required by the solicitation. In this regard, Systalex notes that the agency only listed strengths, weaknesses, risks and discriminators unrelated to the quality of the past performance in the technical evaluation report and the best value determination. However, the record confirms that the agency was aware of and reviewed the past performance information submitted on behalf of offerors. See Evaluator A Evaluation, Evaluator P Evaluation. Furthermore, the result of this evaluation was not favorable to the protester--2 of the 3 past performance questionnaires received for the Systalex team rated its performance as only satisfactory, while all 5 of the questionnaires received for the Prime Source team rated its performance as outstanding. Supplemental Agency Report at 29. Even if the agency failed to consider the results of its past performance review in the final selection decision, as Systalex argues, we fail to see how Systalex was prejudiced.

The protest is denied.

Susan A. Poling  
General Counsel