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Decision

Matter of: IBM Global Business Service - U.S. Federal

File: B-409029; B-409029.2

Date: January 27, 2014

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Michael R. Charness, Esq., Jamie F. Tabb, Esq., and Elizabeth A. Krabill, Esq., Vinson & Elkins LLP, for BAE Systems Information Solutions Inc., the intervenor. Christian F. P. Jordan, Esq., Christopher J. Reams, Esq., Angela Varner, Esq., and Kimberly Shackelford, Esq., Transportation Security Administration, for the agency. Nora K. Adkins, Esq., and Jonathan L. Kang, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that the agency used an unstated factor in evaluating vendors' quotations is denied where the agency's consideration of vendors' experience was consistent with the stated solicitation criteria for the technical approach factor.
 2. Protest alleging that the agency improperly assigned a weakness to its quotation, failed to assign it strengths for areas of its quotation that exceeded the minimum requirements, and failed to assign weaknesses to the awardee's quotation is denied where the agency's evaluation was reasonable and consistent with the solicitation's evaluation factors.
 3. Protest alleging that the agency's tradeoff decision improperly assigned unequal weight to the two technical approach subfactors, and also failed to consider a strength assigned to the protester's quotation, is denied where the record reflects that the agency assigned equal weight to the subfactors, and the alleged strength was properly considered.
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DECISION

IBM Global Business Service - U.S. Federal, of Bethesda, Maryland, protests the award of a task order to BAE Systems Information Solutions Inc., of Herndon, Virginia, under request for quotations (RFQ) No. HSTS03-13-Q-OIA175, issued by

the Department of Homeland Security (DHS), Transportation Security Administration (TSA), for application development and information technology (IT) support services for the secure flight program. IBM challenges the agency's evaluation of IBM's and BAE's quotations and the selection decision.

We deny the protest.

BACKGROUND

TSA's secure flight program automates the comparison of secure flight passenger data against government watch lists, and provides watch list matches to analysts to identify and address known or potential threats to aviation and national security. RFQ, Performance Work Statement (PWS), at 4-5. Under the incumbent contract, IBM implemented the program, completed secure flight system enhancements, and enabled the cutover of secure flight to production use. Protest at 4. Since implementation, IBM has delivered software releases, and provided software maintenance, enhancement, and Tier 3 support. Id.

The RFQ, which was issued under the Federal Supply Schedule (FSS) procedures of Federal Acquisition Regulation subpart 8.4, sought quotations from vendors holding OASIS II blanket purchase agreements (BPAs)¹ to provide support services to the secure flight program. The solicitation contemplated the issuance of a time-and-materials task order on a best value basis, considering two evaluation factors: (1) technical approach, and (2) price. RFQ at 3, 19. The technical approach factor consisted of two subfactors: (1) functional requirements, and (2) contractor personnel. Id. at 20. For purposes of award, the RFQ stated that the technical approach factor was "more important" than price. Id. at 19.

For the technical approach factor, the solicitation stated that a vendor should "describe, in detail, its technical methodology and overall ability to provide the required application development and IT support services for the Secure Flight program." RFQ at 15. Under the functional requirement subfactor, the RFQ stated that a vendor's quotation should address its approach for accomplishing the functional requirements identified in section four of the PWS. Id. With regard to the contractor personnel subfactor, the RFQ stated that quotations should include the names and resumes of employees proposed for the four mandatory key personnel positions (vendors were permitted to propose additional key personnel); a staffing approach for providing and maintaining a team with the necessary expertise and experience to accomplish the task order requirements; a description of how the vendor would provide the required flexibility in allocating resources based on

¹ The Operational Applications Support and Information Services (OASIS) II BPAs were awarded in March 2013 to four vendors who hold contracts under FSS Schedule No. 70, IT professional services. Agency Report (AR) at 2.

agency priorities; and a breakdown of their proposed labor mix and level of effort as an attachment to their technical approach. RFQ at 16.

Four vendors, including IBM and BAE, submitted quotations in response to the RFQ. AR, Tab 8, TET Tradeoff Analysis, at 2. The quotations of IBM and BAE were evaluated by the agency's technical evaluation team (TET) and price evaluation team (PET) as follows:

	IBM	BAE
Technical Approach	Good	Good
Price ²	\$33,747,652	\$32,211,059

Id.

The TET's adjectival ratings were supported by narrative discussion that identified the strengths and weaknesses for each vendor's quotation under the technical approach subfactors. AR, Tab 6B, TET Evaluation-IBM; Tab 7D, TET Evaluation-BAE. In this regard, IBM received one strength and one weakness under the functional requirements subfactor, while BAE received five strengths and three weaknesses. AR, Tab 6B, TET Evaluation-IBM, at 3; Tab 7D, TET Evaluation-BAE, at 3-6. Both IBM and BAE received one strength under the contractor personnel subfactor. AR, Tab 6B, TET Evaluation-IBM, at 7-9; Tab 7D, TET Evaluation-BAE, at 8.

Following the technical and price evaluations, the evaluators compared the merits of the vendors' quotations, based on their respective strengths and weaknesses. AR, Tab 8, TET Tradeoff Analysis, at 3-5. The evaluators concluded that while both IBM and BAE demonstrated a sound technical approach that reflected low risk, BAE's quotation provided a better value to the government under the RFQ's evaluation criteria, insofar as it had more technical strengths and was lower priced. Id. at 5. The TET's tradeoff decision recommended BAE for award of the task order. Id.

The source selection authority (SSA) considered the information provided by the technical and price evaluation teams, independently reviewed and assessed the technical evaluation and price consensus documents, and concluded that BAE's quotation represented the best value to the government. AR, Tab 11, Source

² The solicitation established that vendors' prices were to be evaluated for reasonableness, but not adjectivally rated. Vendors' prices were evaluated separately from their technical approach.

Selection Decision, at 1. After providing IBM with a brief explanation of the agency's award decision, this protest followed.

DISCUSSION

IBM raises numerous challenges to TSA's evaluation of IBM's and BAE's quotations under the technical approach factor, and also argues that the agency's best value tradeoff was unreasonable. Although we discuss only certain representative examples of the arguments raised by the protester, we have reviewed each of the arguments, and find no basis to sustain the protest.

Unstated Evaluation Criterion

IBM argues that TSA's evaluation of IBM's and BAE's quotations did not follow the solicitation's stated evaluation scheme because the evaluators assigned BAE strengths for its prior experience under the functional requirements subfactor. Additionally, IBM argues that the agency unreasonably relied upon these strengths as a significant discriminator in the tradeoff decision. For the reasons discussed below, we find no basis to sustain the protest.

In reviewing a protest challenging an agency's evaluation, our Office will not reevaluate the quotations; rather, we will examine the record to determine whether the agency's conclusions were reasonable and consistent with the terms of the solicitation and applicable procurement statutes and regulations. InnovaTech, Inc., B-402415, Apr. 8, 2010, 2010 CPD ¶ 94 at 4. A protester's disagreement with the agency's judgment or its belief that its quotation deserved a higher technical rating does not establish that the agency acted unreasonably. Encompass Group LLC, B-310940.3, Mar. 17, 2009, 2009 CPD ¶ 60 at 3. Agencies are required to evaluate quotations based solely on the factors identified in the solicitation, and must adequately document the bases for their evaluation conclusions. Intercon Assocs., Inc., B-298282, B-298282.2, Aug. 10, 2006, 2006 CPD ¶ 121 at 5. While agencies properly may apply evaluation considerations that are not expressly outlined in the solicitation if those considerations are reasonably and logically encompassed within the stated evaluation criteria, there must be a clear nexus between the stated and unstated criteria. Raytheon Co., B-404998, July 25, 2011, 2011 CPD ¶ 232 at 15-16.

The RFQ's instructions for the technical approach factor advised that vendors' quotations must demonstrate their "understanding of all tasks to be performed, as well as the technical methodology that will be utilized in accomplishing any resultant award." RFQ at 15. The instructions further stated that a vendor "shall describe, in detail, its technical methodology and overall ability to provide the required application development and IT support services for the Secure Flight program." Id. The solicitation's evaluation criteria for the technical approach factor explained that TSA would evaluate a vendor's overall technical approach for "evidence of the

degree to which [the quotation] demonstrates a clear understanding of the requirements and a reasonable, well-thought-out approach that is likely to yield the required results within the required time frame.” RFQ at 20. For the functional requirements subfactor, the RFQ stated that agency would evaluate a vendor’s “technical approach and methodology for accomplishing all functional requirements” identified in the PWS. Id.

TSA’s evaluation of BAE’s quotation found that the vendor “met” the overall requirements for the technical approach factor, explaining that BAE “demonstrates a clear understanding of the requirements and a reasonable, well-thought-out approach that is likely to yield the required results within the required time frame.” AR, Tab 7D, TET Evaluation-BAE, at 2. Under the functional requirements subfactor, TSA assigned three strengths to BAE’s quotation based upon its prior experience. First, with regard to the program management and integration services requirements of the PWS, the TET assigned BAE’s quotation the following strength:

Team’s [DELETED] Expertise with the development and maintenance of [DELETED], as well as their work in the [DELETED] allows the vendor to more efficiently plan, manage, and execute the development of the Secure Flight System and provide continuous evolution and routine maintenance.

Id. at 3.

Second, with regard to the architecture engineering requirements of the PWS, the TET assigned BAE’s quotation the following strength:

Vendor’s intimate knowledge and working experience with [DELETED], to include their “extensive experience in [DELETED] [which] demonstrates a keen understanding of the requirement and would result in a more efficient and effective [DELETED] development approach for Secure Flight.

Id. at 5.

Third, with regard to the infrastructure engineering requirements of the PWS, the TET assigned BAE’s quotation the following strength:

Vendor’s relevant experience with [DELETED], to include [DELETED] [which] offers greater understanding of the Secure Flight infrastructure and would provide additional technical input to the infrastructure pipeline.

Id. at 6. These three strengths were also cited in the tradeoff decision.³ AR, Tab 8, TET Tradeoff Analysis, at 5.

The agency assigned IBM's quotation one strength under the functional requirements subfactor, based on its experience, as follows:

The vendor provides a "Program Management team [having] more than five years of experience delivering high-quality SF system releases and Tier 3 services," [which] offers "TSA with a no-risk transition to [OASIS II]" which would exceed the requirement to have "minimum service disruption to vital Government business" by ensuring a "seamless transition" with reduced risk and less impact to schedule.

AR, Tab 6B, TET Evaluation-IBM, at 3.⁴ This strength was also cited in the tradeoff decision. AR, Tab 8, TET Tradeoff Analysis, at 3.

IBM primarily argues that TSA's assignment of three strengths for BAE's quotation was improper because the solicitation did not provide for the consideration of a vendor's experience in the evaluation of its quotation under the functional requirements subfactor. The protester contends that, had it known that vendors' experience would be considered for this factor, it would have more fully addressed the relevance of its experience in its quotation, particularly with regard to implementing the secure flight program and performing the incumbent contract. See Protester's Comments (Oct. 31, 2013), at 15-16.

TSA argues that the three strengths assigned to BAE's quotation are logically encompassed within the RFQ criteria because they demonstrate BAE's relevant working knowledge supporting its technical approach. Supp. AR (Dec. 9, 2013), TET Member Declaration, at 2-3. In this regard, the agency states that it assigned strengths to BAE because the awardee provided working knowledge and technical insight through its references to its experience implementing its technical approach that demonstrated a clear understanding of the RFQ requirements and a "well-thought-out approach." Id. at 2. Moreover, the agency asserts that the

³ In addition to these three strengths, TSA assigned two other strengths to BAE's quotation under the functional requirements subfactor, for applying [DELETED] and its approach [DELETED]. AR, Tab 7D, TET Evaluation-BAE, at 2, 6. TSA also assigned a strength for BAE under the contractor personnel subfactor, based on the experience of its additional proposed key personnel. Id. at 8.

⁴ TSA also assigned a strength for IBM's quotation under the contractor personnel subfactor, based on the experience of its additional proposed key personnel. AR, Tab 6B, TET Evaluation-IBM, at 7.

evaluators credited both BAE and IBM for the areas of their quotations where the evaluators found that the cited experience exceeded the minimum requirements. Supp. AR (Dec. 9, 2013), at 5. Such considerations, the agency contends, are reasonably related to the technical approach factor evaluation criteria, which stated that the agency would consider the “evidence of the degree to which [the quotation] demonstrates a clear understanding of the requirements and a reasonable, well-thought-out approach.” RFQ at 20.

Based on this record, we find the agency reasonably considered BAE’s prior experience under the functional requirements subfactor. As set forth above, the solicitation advised vendors that they should address their understanding of the tasks to be performed as well as their overall ability to perform such tasks. *Id.* at 15. The solicitation further advised that the agency would consider evidence that a vendor’s approach reflects a clear understanding of the requirements and a sound approach. *Id.* at 20. We think that the agency’s consideration of a vendor’s description of its experience, in the context of evaluating the vendor’s understanding of the requirements and the effectiveness of its proposed approach, was reasonable and consistent with the terms of the solicitation, cited above. We therefore conclude that the agency reasonably assigned strengths to both BAE’s and IBM’s technical approach based upon their prior experience.⁵ On this record we find no basis to sustain the protest.

Other Technical Approach Evaluation Challenges

Next, IBM raises numerous challenges to the evaluation of its quotation under the technical approach factor. The protester contends that the agency improperly assigned weaknesses to its quotation, and also contends that the agency improperly failed to recognize dozens of strengths for its quotation. IBM also challenges the agency’s evaluation of BAE’s technical approach. We find no basis to conclude that the protester’s arguments here provide a basis to sustain the protest, and discuss illustrative examples below.

First, IBM argues that the agency unreasonably assigned a weakness to its technical approach under the functional requirements subfactor. The TET assigned a weakness to IBM’s quotation based on the following evaluation:

⁵ Moreover, nothing in the solicitation indicated that vendors were barred from citing their experience in their technical quotations. In fact, the record here shows that IBM cited its experience performing the incumbent contract, and the agency recognized this experience as a strength for the protester’s quotation. AR, Tab 6A, IBM Quotation Vol. I, at 1-2; Tab 6B, TET Evaluation IBM, at 3. To the extent the protester now contends it was unaware that it could have received more credit for a more detailed explanation of its experience, we find no basis to sustain the protest.

[IBM] demonstrated a lack of detail for the [following performance work statement] requirement: “Description information for all data assets, information exchanges and data standards, whether adopted or developed, shall be submitted to the Enterprise Data Management Office (EDMO) for review and insertion into the DHS Data Reference Model and Enterprise Architecture Information Repository.” Failing to submit this information could impact any agency attempts to interface with the TSA and burden the government with additional cost due to unnecessary rework, and schedule slips.

AR, Tab 6B, TET Evaluation-IBM, at 3-4.

IBM disagrees with the agency’s evaluation, asserting that its quotation provided the necessary details to establish it would comply with the requirement for EDMO review. In this regard, while IBM admits that it did not specifically reference the EDMO requirement, it contends that it met the requirement based on its “multiple [] references to the DHS SELC [software engineering life cycle] and Critical Design Review.” Protest at 12. IBM argues that that agency should have understood that engagement with the EDMO is part of the DHS SELC design phase, and that it was therefore clear that IBM will adhere to the requirement by following the DHS SELC. Id. Furthermore, IBM asserts that its reference to critical design review indicates that IBM will go through the required cycles and engage EDMO because critical design review is not complete without engaging EDMO and getting approval. Id. For these reasons, IBM contends that its quotation should have not have received a weakness, and should have instead received an outstanding rating under the technical approach factor.

Based on our review of the record, we think that the agency’s assignment of this weakness was reasonable. The agency explains that the evaluators reviewed IBM’s quotation and found that the protester failed to directly address the EDMO requirement. AR, Tab 6B, TET Evaluation-IBM, at 3-4. The evaluators also found that IBM did not provide additional information to make clear that IBM would fully comply with the EDMO requirement. Id. While IBM urges our Office to find that its references to DHS SELC and critical design review should have made clear to the agency that it would meet the requirement, it is a vendor’s responsibility to submit a well-written quotation for the agency to evaluate, and a vendor that fails to do so runs the risk that its quotation will be evaluated unfavorably. See InfoZen, Inc., B-408234 et al., July 23, 2013, 2013 CPD ¶ 211 at 5. In light of IBM’s lack of specific reference to EDMO, and its failure to provide a detailed explanation of its compliance, we conclude that the evaluators reasonably assigned a weakness.

Next, IBM asserts that TSA failed to assign additional strengths where its quotation exceeded the minimum requirements of the solicitation. In its protest, IBM cites to at least 60 examples where it argues the agency should have assigned its quotation

multiple strengths. Protest at 5-21. For example, IBM contends that it should have received a strength based on its approach to security engineering, as follows: “continually assess risk throughout each phase of the DHS SELC, determine if there are any security impacts, and coordinate the remediation activities prior to deployment.” Protester’s Comments (Nov. 27, 2013) at 43, citing AR, Tab 6A, IBM Quotation, Vol. I, at I-17.

In response, the agency asserts that it evaluated IBM’s quotation in accordance with the solicitation criteria and considered every aspect of IBM’s quotation. See Supp. AR (Dec. 9, 2013), at 20. With regard to the security engineering example cited above, TSA explains that that IBM’s quotation “is meeting (and not exceeding in a way beneficial to the government) the PWS [performance work statement] requirement.” Supp. AR (Dec. 9, 2013), TET Member Declaration, at 16. Thus, the evaluators found that this aspect of IBM’s quotation would not be assessed a strength.

Based on our review of the record, we find that the agency’s evaluation of IBM’s technical approach was reasonable. IBM’s arguments that it should have received additional strengths because the agency failed to consider the many instances where its quotation exceeded the minimum requirements have been effectively rebutted by the agency’s explanations. While IBM disagrees with the agency’s evaluation judgments, it provides no basis to conclude that those judgments were unreasonable. As a result, we find no merit to IBM’s allegations.

Next, IBM asserts that BAE’s quotation should have been assigned a weakness under the corporate personnel subfactor because its technical approach volume failed to provide a detailed staffing approach as required by the solicitation. In this regard, IBM notes that the agency could not consider information addressing BAE’s staffing approach, which was included as an appendix to the quotation, because the information exceeded the 25-page limit for the technical approach volume. Protester’s Comments (Nov. 27, 2013), at 7. IBM concludes that the agency could not have reasonably found--based upon information within the solicitation’s page limitation--that BAE’s quotation met the requirements.

The RFQ stated that the agency would evaluate whether a vendor’s staffing approach represents a viable solution for providing and maintaining a team with the necessary expertise and experience to accomplish the task order requirements.⁶ RFQ at 20. The agency’s evaluation also considered the reasonableness of the vendor’s proposed labor mix and level of effort, and the vendor’s ability to provide the required flexibility in allocating resources based on Government priorities. Id.

⁶ The contractor personnel subfactor also included the evaluation of a vendor’s key personnel. RFQ at 20.

TSA contends that it reasonably concluded BAE's staffing approach met the solicitation requirements, based upon the information contained within BAE's technical approach volume. In this regard, the agency states that the evaluators reviewed only the technical approach volume of BAE's quotation and did not rely upon BAE's staffing plan appendix. See Supp. AR (Dec. 9, 2013), Contracting Officer Statement, at 2; Supp. AR (Jan. 13, 2014), at 2-4. While the agency acknowledges that the appendix provided a detailed, 28-page staffing approach, it asserts that the technical approach volume of BAE's quotation provided sufficient information for the agency to conclude that BAE's quotation met the requirements of the solicitation. Id.

The agency's evaluation of BAE's staffing approach cited to the technical approach volume of BAE's quotation and concluded that BAE "demonstrated clear understanding of [the] requirement and meets this section of the RFQ." AR, Tab 7D, TET Evaluation-BAE, at 9. With regard to resource allocation flexibility the agency also found that BAE met the requirement, citing only to BAE's technical approach volume. Id. at 10.

Based upon our review of the record, we find that the agency's evaluation of BAE's staffing approach was reasonable. In this regard, the evaluation documents show that the agency did not rely upon BAE's staffing approach appendix in its evaluation. Moreover, BAE's technical approach volume addresses each of the requirements of the solicitation. For example, BAE's technical approach volume provides a description of its employee identification, recruiting, and retention process, which it states will support ongoing projects and enable it to respond to fluctuating workloads. AR, Tab 7A, BAE Quotation Vol. I, at 24. The quotation also addresses its plan to provide flexibility in allocating its resources. Id. at 24-25. While the technical approach volume does not provide as much detail as the staffing plan appendix, we think that the agency reasonably concluded that the information in BAE's technical approach volume was sufficient to find that BAE's quotation met the requirements of the solicitation.

Source Selection Decision

Finally, IBM argues that TSA's tradeoff decision was unreasonable because the agency accorded too much weight to the functional requirements subfactor, in a manner inconsistent with the terms of the solicitation. IBM also asserts that the selection decision credited IBM with a single strength under the contractor personnel subfactor, despite the fact that the lower-level TET evaluation documents cited multiple strengths. We find these objections to be without merit.

First, IBM argues that the selection decision improperly gave more weight to the functional requirements subfactor than to the contractor personnel subfactor, when

these factors were to be weighted equally.⁷ We find nothing in the contemporaneous record--the TET evaluation reports, the tradeoff analysis, or the SSA's award decision--that demonstrates that the agency considered the functional requirements subfactor more important than the contractor personnel subfactor. Rather, the record shows that the agency properly considered the vendor's quotations under each subfactor, and assigned one strength and one weakness to IBM, and five strengths and three weaknesses to BAE under the functional requirements subfactor; and one strength for both IBM and BAE under the corporate personnel subfactor. AR, Tab 8, TET Tradeoff Analysis, at 3-5.

Nonetheless, IBM asserts that the agency must have weighed the functional requirement subfactor more heavily because the tradeoff decision had a lengthier explanation for the evaluations under this subfactor. The fact that the tradeoff decision spoke more to one subfactor over the other, however, does not show that the subfactors were accorded different weights. Indeed, the agency explains that the tradeoff decision provided more of an explanation with regard to the functional requirements subfactor, rather than the contractor personnel subfactor, simply because that is where the agency found significant discriminators between the two quotations. Supp. AR (Dec. 9, 2013), at 8. In contrast, the agency concluded that the vendors' quotations provided equal benefit under the contractor personnel subfactor--thus, there were no discriminators to discuss during the tradeoff decision. On this record, we find that IBM's argument is nothing more than disagreement with the agency's judgment, which does not show it to be unreasonable.

IBM also asserts that TSA's tradeoff decision improperly credited its quotation with only a single strength under the contractor personnel subfactor because, the protester contends, the lower-level TET evaluation identified three separate strengths for this subfactor. In response to this argument, TSA provided a declaration from a technical evaluator, who explained that the lower-level TET evaluation assessed only one strength, and not three separate strengths, to IBM's quotation for providing additional key personnel. Supp. AR (Dec. 9, 2013), TET Member Declaration, at 5. The evaluator's declaration further clarified that while the technical evaluation's explanation of IBM's strength was three paragraphs long, each paragraph was not assigned a separate strength, as the protester apparently believed. Id. For example, the first paragraph stated that IBM "provided additional key personnel with enhanced technical and project management background, and direct Secure Flight experience." AR, Tab 6B, TET Evaluation-IBM, at 7. The next two paragraphs identified the two individuals that the TET members assessed as exceeding the requirement, and provided a

⁷ We note that the solicitation did not indicate the relative weight of the technical approach subfactors. The protester and agency agree that these subfactors were to be accorded equal weight.

narrative of why the agency found these individuals exceeded the minimum requirements. Id. at 7-9.

Based on the agency's explanation and our review of the contemporaneous record, we find no merit to the protester's allegation that the selection decision failed to credit it with additional strengths under corporate personnel subfactor. Although the protester claims that we should give no weight to the TET member's declaration, our Office generally considers post-protest explanations, such as these, where the explanations merely provide a detailed rationale for contemporaneous conclusions and fill in previously unrecorded details, so long as the explanations are credible and consistent with the contemporaneous record. The S.M. Stoller Corp., B-400937 et al., Mar. 25, 2009, 2009 CPD ¶ 193 at 13. Here, the TET member's declaration simply provides additional details regarding the evaluation of the corporate personnel subfactor, which are consistent with the contemporaneous record. Moreover, we find that the agency's evaluation treated BAE's quotation similarly by assigning only one strength, even though the agency's evaluation narrative identified two individuals that exceeded the minimum requirements of the solicitation. See AR, Tab 7D, TET Evaluation-BAE, at 8. Accordingly, we find no basis to sustain the protest on this basis.

The protest is denied.

Susan A. Poling
General Counsel