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Decision

Matter of: Epoch Concepts, LLC

File: B-408128.23

Date: April 3, 2014

Mark R. Thomas, Esq., Reid Law PC, for the protester.
Wade L. Brown, Esq., and Brian A. Tuftee, Esq., Department of the Army, for the agency.
Paul E. Jordan, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency applied undisclosed evaluation criteria, considering the offeror's "business processes," is denied where record shows that the challenged consideration was consistent with the "business architecture" referenced in the solicitation evaluation criteria.

DECISION

Epoch Concepts, LLC, of Highlands Ranch, Colorado, protests the exclusion of its proposal under Phase I of a two-step competition under request for proposals (RFP) No. W52P1J-11-R-0171, issued by the Department of the Army, U.S. Army Materiel Command, for the IT Enterprise Solutions-3rd Generation Hardware (ITES-3H) acquisition, for information technology (IT) equipment, services, software, and warranty variations.

We deny the protest.

BACKGROUND

The purpose of the ITES-3H acquisition is to support the Army enterprise infrastructure and infostructure goals with a full range of innovative IT equipment and solutions at a reasonable price. The solicitation covers a wide variety of IT-related hardware for client, server, storage, and network environments, along with warranty and support services. The RFP contemplates award, on a "best value" basis, of multiple indefinite-delivery/indefinite-quantity (IDIQ) contracts for a 3-year base period with two 1-year options. The agency plans to make

eight awards, with up to four awards reserved for small businesses, but has reserved the right to make fewer, more, or no awards.

Proposals were to be evaluated in two phases with only those proposals found acceptable under Phase I being evaluated under Phase II. Under Phase I, proposals were to be evaluated in three areas: contract documentation; equipment list, including information on meeting the agency's minimum standards; and a description of the offeror's web-based support capabilities/data and reporting requirements (SCDRR) documentation. The SCDRR documentation was required to provide descriptions of the offeror's electronic data, including a monthly order transaction report, monthly vendor status report, product attributes report, equipment failure report, and the contractor's portion of the IT e-mart website. RFP ¶ 3.1.2. The SCDRR also was required to present the electronic data in Department of Defense Architectural Framework (DoDAF) views showing information flow between the offeror and the government. Id. To this end, the RFP included various internet hyperlinks to a variety of DoDAF views showing the level of detail required for offeror submissions.¹ Id. ¶ 7.1.2.

Fifty offerors submitted proposals; only 13 were evaluated as acceptable under Phase I. Epoch's proposal was among the 37 that were evaluated as unacceptable and thus excluded from further consideration for award. Protests were filed by 17 disappointed offerors and, after the agency took the corrective action of returning the unacceptable offerors to the competition and opening discussions with all offerors, we dismissed those protests as academic.

In the first round of discussions after Epoch's proposal was returned to the competition, the agency notified Epoch of multiple deficiencies in its equipment list and SCDRR documentation. Epoch was notified of its remaining deficiencies in a second and third round of discussions. In December 2013, Epoch submitted its final proposal revision (FPR). The agency evaluation of Epoch's FPR found three unresolved deficiencies which concerned the proposal's lack of sufficient detail for three of the DoDAF views. After receiving notice that its proposal would no longer be considered for award, Epoch filed this protest.

DISCUSSION

Epoch asserts that the agency's Phase I evaluation of its proposal regarding electronic data was flawed because it was based on undisclosed criteria. In this

¹ A view is a representation of one or more structural aspects of an architecture that illustrates how the architecture addresses one or more concerns held by one or more of its stakeholders. The RFP-listed DoDAF views included: Overview and Summary Information (AV-1); Integrated Dictionary (AV-2); High-level Operational Concept Graphic (OV-1); and Logical Data Model (DIV-2).

regard, Epoch maintains that its proposal complied with the RFP's stated requirements for the SCDRR documentation and DoDAF views, but the agency applied undisclosed criteria--considering the description of its "business processes" as related to its acquisition of customers and its interface with the government through the reporting requirements--to find the proposal unacceptable. Protest at 9-10.

In reviewing protests relating to an agency's evaluation of proposals, we will not independently reevaluate proposals; rather, we will review the record to ensure that the agency's evaluation was consistent with the terms of the solicitation and applicable statutes and regulations. Engineered Elec. Co. d/b/a/ DRS Fermont, B-295126.5, B-295126.6, Dec. 7, 2007, 2008 CPD ¶ 4 at 3-4. In evaluating proposals, an agency properly may take into account specific, albeit not expressly identified, matters that are logically encompassed by, or related to, the stated evaluation criteria. Independence Constr., Inc., B-292052, May 19, 2003, 2003 CPD ¶ 105 at 4. Here, the record shows that the agency did not apply undisclosed criteria and reasonably evaluated Epoch's proposal as unacceptable.

The RFP provided that, to be evaluated as acceptable, offerors had to include SCDRR documentation that contained the level of detail identified in various DoDAF views found at multiple internet hyperlinks in the RFP. RFP ¶ 3.1.2. The required views were to be "based on the offeror[']s specific business architecture." Id. When, at its debriefing, Epoch expressed a lack of understanding about the DoDAF requirements, the agency's clarification of the requirements referred to "business processes," rather than the "specific business architecture" language contained in the RFP. Lead Technical Evaluator Declaration at 2. This explanation apparently led Epoch to conclude that the agency had relied upon undisclosed criteria in its evaluation.²

While Epoch interprets the agency's use of the term "business processes" as evidence of undisclosed evaluation criteria, the agency explains that the terms "business processes" and "specific business architecture" both describe how an offeror runs its electronic business. Id. Further, the record shows that the agency's use of the "business process" terminology was brought to Epoch's attention during discussions. In this regard, during the second round of discussions, in reference to the Logical Data Model (DIV-2) requirements, the agency pointed out that the DoDAF "details the documentation of the data requirements and structural business

² Epoch also complains that the agency failed to provide the protester with an adequate debriefing. Whether an agency provides a debriefing and the adequacy of a debriefing are not issues that our Office will consider, because the scheduling and conduct of a debriefing are procedural matters that do not involve the validity of an award decision. See Symplicity Corp., B-297060, Nov. 8, 2005, 2005 CPD ¶ 203 at 4 n.4.

process (activity) rules,” and that Epoch failed to provide “any structural business process rules.” Discussion Email 2 (emphasis added). Furthermore, in its responses to discussions, Epoch included sections entitled “structural business process rules” and outlined its management interface, work with departments for service level agreements, and work with the acquisition team in streamlining its process. Discussion Response 2 at 3; Discussion Response 3 at 3-4. Since these responses indicate that the agency used this language in its discussion questions, and that Epoch understood the application of “business processes” was consistent with the DoDAF “business architecture” requirements in the solicitation, we see no basis to conclude that the agency used undisclosed evaluation criteria.

The record also shows that the agency reasonably evaluated Epoch’s proposal as unacceptable under Phase I. In this regard, despite three rounds of discussions, Epoch’s proposal failed to provide the detail required by the DoDAF guidance incorporated into the RFP.

For example, under the AV-1 view, the offeror was to describe a project’s visions, goals, assumptions, constraints, and limitations that may affect high-level decisions relating to an architecture-based work program. DoDAF Overview and Summary (found at http://dodcio.defense.gov/dodaf20/dodaf20_av1.aspx). Epoch’s initial proposal contained no DoDAF response, while its first discussions response only included two brief explanatory paragraphs that did not address the AV-1 requirements in any significant detail. Discussion Response 1 at 1. After the agency requested more detail about how Epoch would address the DoDAF requirements, Epoch added three brief paragraphs outlining its visions, goals, and plans in this area. Discussion Response 2 at 1. In the third round, the agency informed the offeror that it had omitted any assumptions, constraints, and limitations needed to allow for quick reference and comparison between architectural descriptions. In response, Epoch added three more brief paragraphs entitled assumptions, constraints, and limitations, but provided no detail regarding high-level decision making or allowing for quick reference and comparison. Discussion Response 3 at 1; Notice of Unacceptability at 1-2.

While it generally asserts that its proposal met the requirements, Epoch provides no explanation of how its brief, piecemeal responses furnished the detail required under the DoDAF requirements of the RFP. Given the limited information provided in its proposal, as supplemented, we find no basis to conclude that the agency misevaluated Epoch’s proposal. Epoch’s disagreement with the agency’s

conclusions fails to make them unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

The protest is denied.

Susan A. Poling
General Counsel