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Decision

Matter of: Oakland Consulting Group, Inc.

File: B-412054.2

Date: September 19, 2016

John R. Tolle, Esq., and Ian A. Cronogue, Esq., Baker, Cronogue, Tolle & Werfel, LLP, for the protester.

Elizabeth Amato, Esq., Defense Logistics Agency, for the agency.

Peter D. Verchinski, Esq., Nora K. Adkins, Esq. and Amy B. Pereira, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the protester's exclusion from the competitive range is denied where the agency's evaluation and competitive range determination were reasonable and in accordance with the solicitation criteria.

DECISION

Oakland Consulting Group, Inc., a small business of Lanham, Maryland, protests the Department of Defense, Defense Logistics Agency's (DLA) exclusion of its proposal from the competitive range under request for proposals (RFP) No. SP4701-15-R-0030, for information technology (IT) services known as J6 Enterprise Technology Services (JETS). Oakland challenges the agency's evaluation of its proposal.

We deny the protest.

BACKGROUND

The solicitation, issued on July 10, 2015, sought contractors to provide a full range of JETS IT services across the DLA Information Operations Enterprise, the DLA Program Executive Offices, and all other technology service requirements currently supported through DLA Contracting Services Office acquisitions. RFP at 9.¹ The

¹ RFP references herein are to the version conformed through amendment No. 11.

RFP contemplated the award of multiple indefinite-delivery, indefinite-quantity contracts for a 5-year base period with one 3-year option period, and a total ceiling dollar value of approximately \$6 billion.² Id. at 8.

For purposes of evaluation and award, the RFP provided that the proposals would be separated into three socio-economic groups: other than small business, small business, and 8(a) business offerors. Id. at 141. A competitive range would be established within each group, and awards would be made to the firms whose proposals offered the best value to the agency considering price and the following non-price evaluation factors (listed in descending order of importance): technical merit, past performance, and partnering and strategic alliance.³ The technical merit evaluation factor was composed of three subfactors: technical approach, management approach, and key personnel. The non-price evaluation factors were “significantly more important” than price. Id. at 139.

Offerors were informed that their proposals were to include sufficient detail to allow the agency to effectively evaluate and substantiate the offerors’ claims. Id. at 123. The solicitation also warned offerors not to restate or rephrase the government’s requirements, “but rather provide a convincing rationale explaining how the offeror intends to meet the requirements.” Id. at 123. Under the technical approach subfactor, offerors were required to “[d]escribe in detail” their approach to performing the work required under 21 task areas defined in the solicitation. Id. at 129. Offerors would be evaluated on their approach to providing services and support for the 21 areas. Id. at 141-142.

As relevant here, under task area 13, Enterprise Support Services, the RFP required offerors to describe their approach to provide technical support to the Program Executive Office (PEO) Investment Portfolio Management Acquisition and Operation oversight offices in such areas as: development and maintenance of PEO policies, processes, and procedures; strategic direction and objectives recommendations including development of recommendations of key business elements such as technology enhancements (among other things); technical support to the acquisition director in reporting to various government entities; support in ensuring DLA’s continuing compliance with related regulations and directives; and gathering, analysis, and implementation of data input forms and web reports for various functions supporting the DLA IT Investment Portfolio. Id. at 42-44. The RFP also required offerors to describe their approach to both basic

² The solicitation was issued as an unrestricted acquisition; however, a portion of the contract awards were reserved for small businesses and 8(a) offerors. RFP at 141.

³ The RFP also provided that offerors would be evaluated under two additional factors: socio-economic and use of Ability One entities. RFP at 139.

level administrative support services and high level administrative support functions. Id. at 45.

Also relevant here, under task order 18, Enterprise Data Strategy Support, the RFP required offerors to describe their approach to support the development of enterprise data strategies and implementation plans. Id. at 51-52. Specifically, the offerors were to describe their approach to providing enterprise data strategy implementation plans for DLA approval, and upon approval of the plan, implementing a methodology for collecting, capturing, storing, and presenting the data, with focus on seven specific items (such as proposing actions consistent with DLA's best data management practices). Id. at 52.

The agency received proposals from [DELETED] offerors, including Oakland. The agency evaluated Oakland's proposal and rated Oakland's technical merit evaluation factor as unacceptable.⁴ Specifically, the agency found that, under the technical approach subfactor, Oakland had numerous strengths, one weakness, three significant weaknesses, and two deficiencies. AR, Tab 39, Agency Non-Price Evaluation, at 4-25. The two deficiencies were: failing to provide acceptable approaches to task area 13; and failing to provide an acceptable approach to task order area 18. AR, Tab 41, Competitive Range Determination, at 1278. The agency's evaluation also rated Oakland as marginal under the partnering and strategic alliance evaluation factor, finding a significant weakness in Oakland's failure to provide details to its approach for managing teaming partners. AR, Tab 39, Agency Non-Price Evaluation, at 41.

After considering all of the evaluation factors, the agency determined that Oakland's proposal was not among the most highly-rated small business offers, and excluded Oakland's proposal from the competitive range. AR, Tab 41, Competitive Range Determination, at 1254.

After receiving a debriefing, Oakland filed this protest.

DISCUSSION

Oakland's protest alleges that the agency improperly evaluated its proposal as technically unacceptable. Oakland challenges each weakness, significant weakness, and deficiency identified by the agency evaluators. Oakland also

⁴ The agency assigned adjectival ratings of outstanding, good, acceptable, marginal, and unacceptable to both the technical merit evaluation subfactors, and the overall rating for the technical merit evaluation factor. Agency Report (AR), Tab 22, Source Selection Plan, at 15-16. As relevant to this protest, an unacceptable rating indicated a proposal that did not meet the requirements, with one or more deficiencies, and was unawardable. Id.

challenges the agency's marginal rating under the partnering and strategic alliance evaluation factor, alleging that Oakland's proposal had provided its partner and strategic alliance information under the management approach subfactor within the technical merit factor.

In response to Oakland's protest, the agency addressed each of the protester's allegations in detail. Agency Legal Memorandum at 1-53. Oakland's comments in response to the agency report simply repeated its earlier protest grounds, and did not meaningfully address or rebut the merits of the agency's statements and explanations. Compare Protest at 4-8, with Comments at 2-6.

Where an agency provides a detailed response to a protester's assertions and the protester fails to rebut or otherwise substantively address the agency's arguments in its comments, the protester provides us with no basis to conclude that the agency's position with respect to the issues in question is unreasonable or improper. See Gella LLC, B-409917.11, Jan. 6, 2016, 2016 CPD ¶ 14 at 2; West Constr., Inc., B-406511, June 15, 2012, 2012 CPD ¶ 184 at 5.

In this regard, in reviewing an agency's evaluation, we do not conduct a new evaluation or substitute our judgment for the agency's, but, instead, examine the record to determine whether the agency's evaluation was reasonable and consistent with the solicitation's evaluation criteria. See Gella LLC, supra, at 2-3; West Constr., Inc., supra, at 4. A protester's disagreement with an agency's evaluation, without more, provides no basis to question the reasonableness of the evaluators' judgments. See Gella LLC, supra, at 3; West Constr., Inc., supra, at 5. Here, as explained by the following examples, we have reviewed the record and see no basis to question the agency's evaluation of Oakland's proposal.

As stated above, the agency found two deficiencies in Oakland's proposal under the technical approach subfactor. First, under task area 13, the agency found that Oakland failed to either describe its approach or provide detailed steps for numerous aspects of the task area. Specifically, the agency found that Oakland failed to meaningfully respond to task area requirements under eight separate sections. AR, Tab 39, Agency Non-Price Evaluation, at 17. While Oakland asserts that it "adequately described its approach," the record shows that Oakland's proposal parroted back the solicitation, and failed to provide any detail. Protest at 6; see AR, Tab 30, Oakland Proposal Vol. I, Factor 1A, at 1A.13-110-113. For example, with regard to task area 13, section (o), the statement of work stated that offerors were to "support requirements gathering, analysis and implementation of data input forms and web reports for various functions supporting the DLA IT Investment Portfolio." RFP at 44. In response, Oakland's proposal stated that "[t]eam Oakland will support requirements gathering, analysis and implementation of data input forms and we [sic] reports for DLA Investment Portfolio." Id. at 1A-13-112. The record confirms the agency's finding that Oakland failed to provide

detailed responses to these solicitation provisions as required by the solicitation, and Oakland has not provided a basis to question the evaluation.

Second, the agency found a deficiency in Oakland's response to task order 18, Enterprise Data Strategy Support, because Oakland's proposal failed to address several subtasks laid out in the solicitation. Specifically, the agency found that Oakland failed to address--in its plan to implement enterprise data strategies--the seven subtasks relating to how the firm would implement a methodology for collecting, capturing, storing, and presenting critical data. AR, Tab 39, Agency Non-Price Evaluation, at 22. These seven subtasks included recommending metadata management structures; collecting and integrating data elements and associated metadata used within DLA; and developing, recommending, and implementing mechanisms for data browsing and retrieval. RFP at 52. Oakland points to a chart, which it refers to as a figure, in its proposal that "summarized its approach to various elements of subtasks 4.18.b.2.i-vii," and while Oakland points to two subtasks that appear to be included in the figure, there is nothing in the figure or Oakland's proposal explaining how the seven subtasks relate to the figure, nor does the protester provide such an explanation in its protest.

In any case, even if the subtasks were encompassed by the figure, the record shows that the figure lacks any detail as to how the offeror intends to provide these requirements. Protest at 6; see AR, Tab 30, Oakland Proposal Vol. I, Factor 1A, at 1A.18-145. Although Oakland responds that it could not provide any detail, as such details would "necessarily need to be tailored based on feedback from the Government in the process of acquiring" approval of its implementation plan, there is nothing in the solicitation indicating that, for this task order, offerors were relieved of their requirement to provide a detailed proposal explaining how the offeror would meet the solicitation's requirements.⁵ Comments at 5. See Carlson Wagonlit Travel, B-287016, Mar. 6, 2001, 2001 CPD ¶ 49 at 3 (it is an offeror's responsibility to submit an adequately written quotation). Under these circumstances, we find nothing improper about the agency's evaluation.

In sum, the agency responded to Oakland's protest by providing a detailed explanation of its evaluation. Oakland, in turn, responded to the agency's explanation by repeating--essentially verbatim--the statements made in its initial

⁵ To the extent that the protester believed the agency's approval of a proposed data strategy implementation plan rendered impossible any discussion of the details of its methodology for collecting, capturing, storing, and presenting data, the protester failed either to provide such an explanation in its proposal, or otherwise challenge the solicitation's requirement to provide such a detailed response.

protest. While this demonstrates Oakland's continued disagreement with the agency's evaluation, it does not show the evaluation to have been unreasonable.

The protest is denied.

Susan A. Poling
General Counsel