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Decision

Matter of: Social Solutions International, Inc.--Costs

File: B-411994.4

Date: May 8, 2017

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R. René Dupuy, Esq., United States Agency for International Development, for the agency.

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DIGEST

Protester's request that GAO recommend reimbursement of protest costs is granted in part where the agency unduly delayed taking corrective action in response to certain clearly meritorious protest grounds, and denied in part, where the other protest grounds were not clearly meritorious and are readily severable.

DECISION

Social Solutions International, Inc., requests that we recommend that the firm be reimbursed the costs of filing and pursuing its protest of the award of a contract to IT Shows, Inc., by the United States Agency for International Development under request for proposals No. SOL-OAA-14-000024 for staffing support services for the agency's global health programs.

We grant the request in part and deny it in part.

BACKGROUND

The procurement at issue was known as the Global Health Support Initiative III, or GHSI-III. See RFP at 8.¹ The solicitation was issued on March 7, 2014, as a total

¹ Citations to the solicitation refer to the conformed version that was issued under RFP amendment No. 04. Agency Report (AR), Tab 7, RFP, amend. No. 04.

small business set-aside and contemplated the award of a cost-plus-fixed-fee contract with a 5-year period of performance. RFP at 3-4, 7, 32. The award was to be made on a best-value tradeoff basis considering the following five factors, listed in descending order of importance: technical approach, corporate/institutional capability, past performance, personnel, and cost. Id. at 103-05. The technical approach factor included two elements: performance plan and transition plan. Id. at 103. The corporate/institutional capability factor included three elements: recruiting; operational systems; and large-scale, overseas surge or emergency requirements. Id.

The solicitation included evaluation criteria for each of the factors. Several are relevant here. First, under the cost factor, the solicitation provided that the agency would evaluate the realism of the offerors' proposed costs. RFP at 104-05. The proposed costs were to include indirect costs, such as fringe, overhead, and general and administrative (G&A) costs. Id. at 5, 97-99. For these costs, the solicitation contemplated that offerors would propose both provisional and ceiling indirect cost rates. See id. at 99, 104. As to which of these rates would be used in the cost evaluation, the solicitation stated: "For cost evaluation purposes, the ceiling . . . for indirect costs . . . will be used for the cost realism analysis." Id. at 99.

As also relevant, under the technical approach factor, the solicitation provided that the agency would evaluate an offeror's "ability to track all costs against all elements and bill each cost against the elements obligated for those costs." RFP at 103. Additionally, under the surge requirement element of the corporate/institutional capability factor, the solicitation provided that the agency would evaluate an offeror's ability to "quickly recruit and place technical experts." Id. Finally, although not an evaluation criterion, the solicitation incorporated the clause at Federal Acquisition Regulation (FAR) § 52.219-14, Limitations on Subcontracting. Id. at 70.

The agency received a number of proposals by the solicitation's closing date, including proposals from Social Solutions and IT Shows. A technical evaluation committee (TEC) evaluated the proposals under the non-cost factors. Under each factor, the TEC assessed strengths, weaknesses, significant weaknesses, and deficiencies. AR, Tab 29, Final TEC Mem., at 6-21. Also under each factor, the TEC assigned adjectival ratings of outstanding, very good, good, satisfactory, poor, or unacceptable. Id. at 5. Using these same ratings, the TEC assigned overall consensus ratings to the proposals. Id. Based on the evaluation results, the agency established a competitive range that included IT Shows, Social Solutions, and a third offeror. Id. at 3.

The agency then conducted discussions and requested and received final proposal revisions (FPR) from the competitive range offerors. After an evaluation of the FPRs, the prior evaluation results were adjusted. The table below shows the final

ratings for Social Solutions' and IT Shows' proposals, as well as the firms' total proposed and evaluated costs.²

	SOCIAL SOLUTIONS	IT SHOWS
Technical Approach	Good	Very Good
Corporate/Institutional Capability	Good	Very Good
Past Performance	Outstanding	Outstanding
Personnel	Very Good	Very Good
Overall Consensus Rating	Good	Very Good
Proposed Cost	\$296,102,832	\$282,119,395
Probable Cost	\$298,862,978	\$289,024,780

AR, Tab 30, SSDD, at 7, 19. After considering the evaluation findings, the source selection authority (SSA) documented a best-value determination in which she selected IT Shows' higher-rated, lower-cost proposal for award. See id. at 23-26.

Following the award to IT Shows, Social Solutions filed a protest and supplemental protest with our Office. In response, the agency filed a report. Social Solutions' comments on the agency report included a second round of supplemental protest grounds. In response, the agency filed a supplemental report.

After reviewing the record, our Office scheduled a hearing to further develop the record regarding several of the numerous allegations raised in Social Solutions' filings. Before the hearing date, the agency decided to take corrective action by reopening discussions with Social Solutions and IT Shows, requesting FPRs from both firms, and making a new source selection decision. Based on the agency's corrective action, our Office dismissed the protest. Social Solutions, Int'l, Inc., B-411994 et al., Nov. 5, 2015 (unpublished decision).

Social Solutions subsequently requested that our Office recommend that the agency reimburse the firm's costs of pursuing the protest.³ We asked the firm to

² Information for the third offeror is omitted because the agency viewed that offeror's proposal as less competitive than Social Solutions' and IT Shows' proposals under both the cost and non-cost factors. See AR, Tab 30, Source Selection Decision Document (SSDD), at 23.

³ After taking corrective action, the agency selected Social Solutions' proposal for award. IT Shows challenged the award in a protest filed with our Office. We denied that protest. IT Shows, Inc., B-411994.5, B-411994.6, Sept. 26, 2016, 2017 CPD ¶ 34. IT Shows then challenged the award in a protest filed with the United States (continued...)

identify the specific protest allegations for which it was requesting a recommendation. The firm responded by identifying the allegations that appeared in our Office's pre-hearing notice to the parties. These allegations concerned the agency's evaluation in the areas of cost realism, technical approach, corporate/institutional capability, past performance, and limitations on subcontracting compliance. After reviewing Social Solutions' position, the agency filed a submission opposing Social Solutions' reimbursement of costs.

DISCUSSION

For the reasons that follow, we recommend that the agency reimburse Social Solutions its reasonable costs for filing and pursuing certain allegations regarding the agency's evaluation in the areas of cost realism and technical approach. However, we do not recommend the reimbursement of Social Solutions' costs for filing and pursuing the other allegations.

Before discussing the allegations, we observe that where a procuring agency takes corrective action in response to a protest, we may recommend that the agency reimburse the protester its protest costs where, based on the circumstances of the case, we determine that the agency unduly delayed taking corrective action in the face of a clearly meritorious protest, thereby causing a protester to expend unnecessary time and resources to make further use of the protest process in order to obtain relief. See 4 C.F.R. § 21.8(e); East Coast Nuclear Pharmacy--Costs, B-412053.5, Aug. 31, 2016, 2016 CPD ¶ 249 at 3; Core Tech Int'l Corp.--Costs, B-400047.2, Mar. 11, 2009, 2009 CPD ¶ 59 at 6. We consider a protest to be clearly meritorious where a reasonable agency inquiry into the protester's allegations would reveal facts showing the absence of a defensible legal position. See East Coast Nuclear Pharmacy--Costs, supra; Core Tech Int'l Corp.--Costs, supra. We generally consider corrective action to be prompt if it is taken before the due date for the agency report responding to the protest, but not prompt where it is taken after that date. See East Coast Nuclear Pharmacy--Costs, supra, at 5; Core Tech Int'l Corp.--Costs, supra.

Ordinarily, we do not regard a protest as clearly meritorious where resolution of the protest required further record development, such as a hearing, to complete and clarify the record. However, when corrective action is taken by an agency after a hearing has been scheduled, we still may conclude that the protest is clearly meritorious where that conclusion is otherwise established by the record. See URS Fed. Servs., Inc.--Costs, B-406140.4, July 17, 2012, 2012 CPD ¶ 223 at 4 (granting request for reimbursement of costs where agency took corrective action after the

(...continued)

Court of Federal Claims. The court also denied the protest. IT Shows, Inc. v. United States, 130 Fed. Cl. 204 (2016).

scheduling of a hearing); Basic Commerce and Indus., Inc.--Costs, B-401702.3, Feb. 22, 2010, 2010 CPD ¶ 258 at 4 (same); Eagle Home Med. Corp.--Costs, B-299821.3, Feb. 4, 2008, 2008 CPD ¶ 41 at 4 n.4 (same).

In addition, a protester generally should be reimbursed its costs with respect to all issues pursued and not merely those on which it prevails. See East Coast Nuclear Pharmacy--Costs, supra, at 6; Focused Mgmt., Inc.--Costs, B-404029.6, Oct. 3, 2011, 2011 CPD ¶ 204 at 4. In appropriate cases, however, we have limited our recommendation for the award of costs where a part of those costs is allocable to an unsuccessful protest issue that is so clearly severable from the successful issues as to essentially constitute a separate protest. See Focused Mgmt., Inc.--Costs, supra; Core Tech Int'l Corp.--Costs, supra, at 8. In determining whether protest issues are so clearly severable as to essentially constitute separate protests, we consider, among other things, the extent to which the issues are interrelated or intertwined--i.e., the extent to which successful and unsuccessful arguments share a common core set of facts, are based on related legal theories, or are otherwise not readily severable. See Focused Mgmt., Inc.--Costs, supra; Core Tech Int'l Corp.--Costs, supra. We turn now to the allegations at issue in Social Solutions' request.

The Cost Realism Evaluation

As stated at the outset, the solicitation contemplated that offerors would propose both provisional and ceiling indirect cost rates. See RFP at 99, 104. As also stated, the solicitation provided that for the cost evaluation, as well as the cost realism analysis, “the ceiling proposed . . . for indirect costs . . . will be used.” Id. at 99. In its comments on the agency report, Social Solutions alleged that the agency violated this solicitation term by calculating IT Shows’ most probable cost using IT Shows’ provisional rates, rather than its significantly higher ceiling rates. Comments at 20-21. Social Solutions further alleged that if the agency had calculated IT Shows’ most probable cost using the firm’s ceiling rates, IT Shows’ most probable cost would have been approximately \$7.7 million higher than Social Solutions’ most probable cost. Id. at 21. As discussed above, the SSA selected IT Shows’ proposal for award in part because IT Shows’ most probable cost was lower than Social Solutions’ most probable cost. AR, Tab 30, SSDD, at 26.

In response to Social Solutions’ allegation, the agency admitted that it used IT Shows’ provisional rates in calculating the firm’s most probable cost. Supp. AR at 7. The agency explained its actions as follows. After examining Social Solutions’ initial proposal and FPR, the agency concluded that Social Solutions had not proposed “true ceiling rates.” Id. Therefore, agency decided to use the offerors’ provisional rates in its cost realism analysis and cost evaluation “since provisional rates were the only common baseline [and] this process ensured that all offerors, including [Social Solutions], were treated fairly.” Id. In other words, because the agency believed Social Solutions had not proposed ceiling rates, it did not calculate

each offeror's most probable cost using ceiling rates, as contemplated by the solicitation, but instead calculated most probable cost using provisional rates.

In response to the agency's position, Social Solutions asserted that it proposed both provisional and ceiling rates in both its initial proposal and its FPR. Supp. Comments at 14-15. Social Solutions suggested that the agency's professed confusion on the matter may have arisen because the firm's provisional and ceiling rates were identical; *i.e.*, the firm proposed that its provisional rates also would serve as ceiling rates. *Id.* Social Solutions then asserted that to the extent its proposal was somehow unclear in this area, the agency was required to raise the issue during discussions. *Id.* at 13. Social Solutions noted that the only discussions question that might be construed to have addressed this issue stated, in its entirety, as follows: "G&A. Please clarify all indirect costs." *Id.* at 13 n.7 (quoting AR, Tab 24, Social Solutions Discussions Ltr., at 4). Based on this, Social Solutions argued that to the extent the issue was raised in discussions, the discussions were not meaningful. For the reasons discussed below, we conclude that Social Solutions' allegations were clearly meritorious.

Because the solicitation here contemplated the award of a cost-reimbursement contract, the agency was required to perform a cost realism analysis to determine the probable cost of performance for each offeror. FAR § 15.404-1(d)(2). Our review of an agency's cost realism evaluation is limited to determining whether the cost analysis is reasonably based and not arbitrary. TriCenturion, Inc.; SafeGuard Services, LLC, B-406032 *et al.*, Jan. 25, 2012, 2012 CPD ¶ 52 at 6; ITT Fed. Servs. Int'l Corp., B-289863 *et al.*, Dec. 16, 2002, 2002 CPD ¶ 216 at 3.

Here, the solicitation specifically required the agency to use the offerors' ceiling indirect costs, rather than their provisional indirect costs, in its cost realism analysis and cost evaluation. RFP at 99. There is no dispute, however, that instead of using the ceiling costs, the agency used the provisional costs, which had the effect of significantly lowering IT Shows' most probable cost relative to Social Solutions' most probable cost. See Supp. AR at 7; Comments at 21. Thus, the agency deviated from the solicitation's cost evaluation methodology in a manner that was prejudicial to Social Solutions.

As discussed above, the agency explains that it deviated from the solicitation's cost evaluation methodology because it believed that Social Solutions had not proposed ceiling rates. Supp. AR at 7. Even if we were to agree with the agency that the record supports its assertion that Social Solutions' initial proposal did not include ceiling rates (and it is not clear that it does), the record shows that the agency failed to meaningfully raise this issue during discussions. It is a fundamental principle of negotiated procurements that discussions, when conducted, must be meaningful; that is, discussions must identify deficiencies and significant weaknesses in an offeror's proposal that could reasonably be addressed so as to materially enhance the offeror's potential for receiving award. Sentrillion Corp., B-406843.3 *et al.*,

Apr. 22, 2013, 2013 CPD ¶ 207 at 6; Spherix, Inc., B-294572, B-294572.2, Dec. 1, 2004, 2005 CPD ¶ 3 at 13; FAR § 15.306(d). Here, as shown above, the only discussions question that might be construed to concern this issue asked only that the firm “clarify” its G&A indirect costs. See AR, Tab 24, Social Solutions Discussions Ltr., at 4. We do not view this question as reasonably communicating that the agency had interpreted Social Solutions’ proposal to have omitted indirect cost ceilings. In sum, the record shows Social Solutions’ allegations regarding this aspect of the agency’s cost realism evaluation to have been clearly meritorious.

Social Solutions’ comments on the agency report included a second challenge to the agency’s cost realism evaluation. Specifically, the firm alleged that the agency unreasonably evaluated IT Shows’ proposed program management office (PMO) costs. Comments at 24-28. In support of this allegation, Social Solutions described how IT Shows proposed a PMO staffing level that was significantly below the current level. Id. (citing AR, Tab 15, IT Shows Technical Proposal, at 2-3). Social Solutions argued that IT Shows’ proposal did not “explain how it could successfully perform with such a reduced management and administration operation.” Id. at 27. Social Solutions also pointed out that the solicitation contemplated that the number of full-time positions to be managed under the contract would grow by approximately 80. Id. at 22 (citing RFP at 8, 33). Social Solutions argued that “nothing in the record shows that the Agency even recognized that IT Shows was proposing to substantially decrease the level of program management and administrative staffing, much less that it considered the realism of the cost savings that IT Shows gained from that approach.” Id. at 28.

Social Solutions’ allegation that the solicitation contemplated a significant increase in staffing relative to the predecessor contract, but that IT Shows proposed a significantly lower PMO staffing level, was supported by the record. In responding to Social Solutions’ allegations, however, the agency failed to adequately explain how the record supported the cost evaluation team’s conclusion that IT Shows’ lower PMO staffing costs were realistic. See Supp. AR at 10-12. Additionally, the agency’s response, taken together with the record, indicated that the agency had confused the offerors’ respective PMO staffing levels. See Supp. AR at 4, 11; Supp. Comments at 6-9. This was one of the issues that our Office asked the agency to address in the scheduled hearing. Rather than doing so, the agency took corrective action. Based on all of the above, we find that Social Solutions’ allegations regarding the agency’s evaluation of the realism of IT Shows’ PMO costs were clearly meritorious. We also find that the agency unduly delayed taking corrective action in response to these allegations--as well as the allegations regarding the use of provisional rates--because it submitted a report, requiring Social Solutions to further pursue the allegations. Accordingly, Social Solutions’ request that we recommend the reimbursement of protest costs for these allegations is granted.

Technical Evaluation

The TEC assessed a significant weakness to Social Solutions' proposal under the technical approach factor based on concerns regarding the firm's approach to tracking costs. AR, Tab 29, Final Technical Evaluation Mem., 15-16. The TEC's concerns in this regard were twofold. First, the TEC found that Social Solutions' use of [DELETED] might lead to mistakes. Id. at 16. Second, the TEC found that it might take Social Solutions up to a week to provide "large-scale, complex" cost reports, rather than being able to provide them in "real-time." Id. Social Solutions argued that these findings were unreasonable and reflected disparate treatment of the offerors.

With regard to [DELETED], Social Solutions argued that it had not proposed to use [DELETED] to track costs, as evidenced by the fact that neither its initial technical proposal nor its FPR mentioned [DELETED]. Comments at 32. Instead, Social Solutions asserted, it had proposed to use [DELETED] as its accounting system--the same system that IT Shows proposed. Comments at 32-33 (referencing AR, Tab 26, Social Solutions FPR, at 19; Tab 15, IT Shows Technical Proposal, at 11, 29-31). Social Solutions suggested that the TEC's adverse finding regarding [DELETED] may have stemmed from a reference in Social Solutions' FPR to downloading data from [DELETED] into "ad hoc" reports for the agency. Comments at 33 (citing AR, Tab 26, Social Solutions FPR, at 19). Social Solutions stated that while its proposal did not mention the use of [DELETED] for this purpose, the firm, in fact, intended to download data from [DELETED] into [DELETED] for the reports. Id. Social Solutions pointed out, however, that IT Shows' proposal included a figure indicating that that firm too would "export" data from [DELETED] into [DELETED]. Id. (citing AR, Tab 15, IT Shows Technical Proposal, at 31). Finally, regarding the TEC's concern about the time needed to produce large-scale, complex reports, Social Solutions acknowledged that its FPR stated such reports might take up to a week, but pointed out that neither IT Shows' technical proposal nor its FPR specified how long that firm would need to transmit such reports. Id. Based on the record presented to our Office, we find Social Solutions' allegations in this area were clearly meritorious.

In reviewing protests of an agency's evaluation, our Office does not reevaluate proposals; rather, we review the evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. See Alutiiq Tech. Servs. LLC, B-411464, B-411464.2, Aug. 4, 2015, 2015 CPD ¶ 268 at 4; Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6. It is a fundamental principle of government procurement that a contracting agency must provide a common basis for competition and may not disparately evaluate offerors with regard to the same requirements. See DRS Tech. Servs., Inc., B-411573.2,

B-411573.3, Nov. 9, 2015, 2015 CPD ¶ 363 at 10; L-3 Commc'nns Titan Corp., B-299317 et al., Mar. 29, 2007, 2007 CPD ¶ 66 at 13.

The record shows that Social Solutions' initial proposal and FPR discuss the use of [DELETED] for accounting, not [DELETED], and the agency's response to Social Solutions' allegations does not rebut the firm's position that this was the case. See AR, Tab 17, Social Solutions Technical Proposal; Tab 26, Social Solutions FPR; Contracting Officer's Statement at 7, 10-11; Supp. AR at 12-13. The record also shows that IT Shows' proposal includes a figure indicating that [DELETED] would be used to generate reports, and, again, the agency's response to Social Solutions' allegations does not rebut Social Solutions' position that IT Shows' approach would involve the use of [DELETED]. See AR, Tab 15, IT Shows Technical Report, at 31; Supp. AR at 12-13. Finally, the agency's response to Social Solutions' allegations does not adequately explain if or how quickly IT Shows could provide the "large-scale, complex" reports at issue in the significant weakness assessed to Social Solutions' proposal. See Supp. AR at 12-13.

Our Office invited the agency to provide a further response to Social Solutions' allegations through testimony at the scheduled hearing. Instead of doing so, the agency took corrective action. Based on the record before our Office, we conclude that Social Solutions' allegations regarding the significant weakness were clearly meritorious. Further, since the agency filed a report in response to the allegations, its corrective action was unduly delayed. Social Solutions' request for a recommendation for the reimbursement of costs for these allegations is granted.⁴

Other Protest Grounds

Social Solutions requests that we recommend the reimbursement of costs for pursuing allegations regarding the agency's evaluation of the offerors' proposals under the corporate/institutional capability and past performance factors as well as the solicitation's limitations on subcontracting clause. Based on the record, we conclude that these protest allegations were not clearly meritorious and that they are readily severable from the clearly meritorious allegations. To illustrate, we discuss only the first of these allegations, which concerns the evaluation under the corporate/institutional capability factor.

⁴ Social Solutions also requests that we recommend the firm be reimbursed for the cost of challenging an evaluated weakness regarding the firm's staff retention approach. This weakness was assessed not only under the same factor as the significant weakness discussed above (technical approach), but under the same element (performance plan). AR, Tab 29, Final TEC Mem., at 15-16. While we do not find this allegation to have been clearly meritorious, we recommend the reimbursement of costs for pursuing it due to the extent to which it was intertwined with the clearly meritorious allegation discussed above.

As discussed at the outset, one of the elements under the corporate/institutional capability factor concerned an offeror's ability to meet large-scale, overseas surge or emergency requirements. RFP at 103. The solicitation provided that under this element, the agency would evaluate, among other things, whether the proposal demonstrated an offeror's "ability to quickly recruit and place technical experts on short notice in the advent of a region-specific epidemic." Id.

For this element, Social Solutions' proposal included a description of how its team member had responded to a surge requirement under the incumbent contract. AR, Tab 26, Social Solutions FPR, at 20. The TEC assessed a weakness to the proposal based on a lack of information regarding how long the team member's hiring process took. Id. at 18-19. The TEC documented the weakness as follows:

The proposal states . . . the offeror successfully recruited these positions within a short timeframe[;] however the response did not state when the actual hiring of these . . . specific positions was fully completed. This lack of information provides an incomplete timeline and does not allow the [TEC] to fully appreciate the surge hiring process from recruitment to placement.

Id.

Social Solutions alleged that the weakness was unreasonable because the final hiring date for surge personnel under the incumbent contract was dependent on the agency's internal approval process. Protest at 28; Comments at 46-47. Social Solutions argued that it was "patently unreasonable to assess a weakness on the basis that Social Solutions did not describe how long it took the Agency to complete its portion of the hiring procedure." Comments at 46. Social Solutions further alleged that the weakness reflected unequal treatment of the offerors because, according to Social Solutions, its proposal was more detailed than IT Shows' proposal with regard to the surge hiring process. Id. at 47-48. For the reasons discussed below, we find that these allegations were not clearly meritorious.

As previously stated, our Office reviews an agency's evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. See Alutiiq Tech. Servs. LLC, supra; Wackenhut Servs., Inc., supra. An offeror's disagreement with the agency's evaluation, without more, does not establish that the evaluation was unreasonable. See Alutiiq Tech. Servs. LLC, supra; Wackenhut Servs., Inc., supra. Additionally, it is an offeror's responsibility to submit a well-written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. See Jacobs Tech., Inc., B-411784, B-411784.2, Oct. 21, 2015, 2015 CPD ¶ 342 at 8; ACC Constr.-McKnight JV, LLC, B-411073, Apr. 30, 2015, 2015 CPD ¶ 147 at 5. Where

an offeror fails to do so, it runs the risk that a procuring agency will evaluate its proposal unfavorably. See Jacobs Tech., Inc., supra; ACC Constr.-McKnight JV, LLC, supra.

A review of the portion of Social Solutions' proposal that addressed surge hiring shows that although the proposal discussed the various steps of the hiring process, it did not state that the hiring had been completed or that the personnel had been placed.⁵ See AR, Tab 26, Social Solutions FPR, at 20. Further, the proposal offered no explanation as to why the process had not been completed, much less any suggestion that the agency's hiring approval procedures might be related to the issue. See id. Thus, the proposal did not communicate how long it took--or would take--for the hiring to be completed. Given the lack of clarity in Social Solutions' proposal regarding how long the firm's surge hiring process might take to be completed, we find that the record adequately supports the TEC's decision to assess a weakness to the proposal in this area.

We similarly find that the record supports the TEC's evaluation of IT Shows' proposal in this area. As an initial matter, we note that the portions of Social Solutions' and IT Shows' proposals that addressed surge hiring were approximately equal in length. See AR, Tab 15, IT Shows Technical Proposal, at 21; AR, Tab 26, Social Solutions FPR, at 20. More importantly, however, IT Shows' proposal provided concrete information regarding how long its surge hiring process took; specifically, the proposal described how the firm had "deployed" surge personnel in the field for the agency "in less than two weeks." AR, Tab 26, Social Solutions FPR, at 20. Hence, the record supports the TEC's decision to assess a weakness to Social Solutions' proposal based on a concern regarding how quickly the firm's surge hiring process might take, while not assessing a similar weakness to IT Shows' proposal.

As a final matter, we also conclude that Social Solutions' allegations regarding the agency's evaluation in the areas of corporate/institutional capability, past performance, and limitations on subcontracting compliance are readily severable from Social Solutions' clearly meritorious allegations. In this regard, the two sets of allegations are not intertwined since they concern separate aspects of the agency's evaluation, under separate evaluation factors, and pertaining to separate portions of the offerors' proposals.

RECOMMENDATION

We recommend that the agency reimburse Social Solutions the reasonable costs of filing and pursuing the allegations discussed above regarding the agency's

⁵ The proposal described the hiring process as being "underway," indicating that it had not been completed. AR, Tab 26, Social Solutions FPR, at 20.

evaluation in the areas of cost realism and technical approach. Social Solutions should file its claim for costs, detailing and certifying the time expended and costs incurred, with the agency within 60 days of receipt of this recommendation. 4 C.F.R. § 21.8(f)(1).

The request is granted in part and denied in part.

Susan A. Poling
General Counsel