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## Decision

**Matter of:** Trusted Base, LLC

**File:** B-401670

**Date:** October 27, 2009

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Richard L. Moorhouse, Esq., and Sean M. Connolly, Esq., Greenberg Traurig LLP, for the protester.

Thomas K. David, Esq., and Kenneth D. Brody, Esq., David, Brody & Dondershine LLP, for AGTech, LLC., the intervenor.

Dennis J. Gallagher, Esq., Department of State, for the agency.

Paula A. Williams, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest challenging the issuance of a task order to a higher technically rated, higher-priced offeror is denied where the task order request provided that technical merit was more important than price and the evaluation record provides a reasonable basis for the selection decision.

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### DECISION

Trusted Base, LLC of McLean, Virginia, protests the issuance of a task order to AGTech, LLC of Rockville, Maryland, by the Department of State (DOS), Bureau of Information Resource Management, for consolidated technical operations and maintenance (O&M) support services in DOS's Enterprise Server Operations Center (ESOC). The task order was issued pursuant to a multiple award, indefinite-delivery/indefinite-quantity (ID/IQ) contract known as the Hybrid Information Technology Services for State (HITSS) contract.<sup>1</sup> Trusted Base alleges numerous evaluation errors.

We deny the protest.

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<sup>1</sup> In April 2007, HITSS contracts were awarded to 20 offerors, including Trusted Base and AGTech, under which the agency would award time-and-materials, labor-hour, or fixed-price task orders. CO's Statement at 7.

## BACKGROUND

On June 11, 2009, the agency issued the task order request (TOR) to all HITSS contractors seeking appropriate skilled personnel to provide various levels of O&M support services for multiple mission critical information technology (IT) systems and related infrastructure, such as electronic messaging for DOS employees, and passport and visa issuance in the domestic offices and locations supported by the ESOC organization.<sup>2</sup> AR exh. 10, TOR at 1. The TOR contemplated issuance of a time-and-materials task order for a 1-year base period with three 1-year options. Id. at 15.

The TOR established four evaluation factors and related subfactors, identified in descending order of importance. These are:

1. Understanding of the requirements and technical approach factor
  - Approach/knowledge of open systems operations support
  - Approach/knowledge of office administrative support<sup>3</sup>
  - Approach to management of task order staffing
  - Availability of personnel with appropriate level of technical skills
  - Availability of personnel with appropriate security clearances
2. Knowledge of the customer organization factor
  - Familiarity/experience with DOS IT infrastructure and operations support services
  - Overall familiarity with DOS
3. Past performance within DOS factor
  - Client recommendations

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<sup>2</sup> The statement of work (SOW) provided an overview of the required tasks, stating

[contractor must provide] qualified technical and administrative personnel for O&M services in the ESOC. The staff assigned will immediately replace the current O&M provider staff in the existing data centers . . . the [c]ontractor will seamlessly transition O&M services from existing data centers to the [agency's] new data centers...

AR exh. 10, TOR SOW, at 1.

<sup>3</sup> This evaluation subfactor was deleted in a questions and answers (Q&A) notice issued to all potential offerors on June 22, 2009. However, this subfactor continued to be listed on the forms used for the evaluators' individual notes and the evaluation record.

4. Total evaluated price or cost factor
  - Use of appropriate labor categories and associated quantities
  - Cost as proposed

AR exh. 10, TOR attach. 2.

Offerors were instructed to submit a proposed staffing plan with their proposals. Under the heading "Service Offering Estimate," the TOR contained two tables which provided information to be used to develop and price the appropriate labor hours necessary to demonstrate that they understood the scale and scope of the solicited services. Specifically, Table 1 provided an estimate of various servers and resources, by location and fiscal year; Table 2 listed estimated staffing requirements by labor category, totaling 234.7 full time equivalent (FTE) positions. AR exh. 10, TOR attach. 1, at 2-5; Memorandum of Law, Aug. 24, 2009, at 12. For evaluation purposes, potential offerors were required to use this information in order "to provide a basis for equivalent response estimates." Id. at 1.

As it relates to the protest, DOS published the following Q&A to all potential offerors prior to the due date for receipt of proposals:

Q: With regard to Attachment #1 -- "Service Offering Estimate" Table 2 "Estimated Resources to Support Workload." . . . we wish to clarify with [DOS], their expectation that the Staffing "Summary" sub-totals . . . are indeed a yearly representation of anticipated/desired staffing levels . . .

A: The summary table is in fact a total of all positions anticipated. This is an estimate, but may vary based on changing workload. This is a T&M contract that will have a varying workload based on ESOC Customer demand. . . .

AR exh. 12, at Q&A 6.

Q: Attachment 1 -- Service offering estimate provides estimated resources for proposal response. Please confirm that these are the staffing levels that should be used for proposal preparation.

A: These are estimated resources, but staffing at those kinds of levels should be used for proposal preparation.

Id. at Q&A 16.

Trusted Base and AGTech were among 10 ID/IQ HITSS contract-holders, hereinafter “offerors,” that submitted proposals (consisting of separate technical and price proposals, and a proposed staffing plan) in response to the TOR. The agency evaluated proposals by identifying strengths and weaknesses under each evaluation factor and subfactor.<sup>4</sup> With regard to the proposals of Trusted Base and AGTech—the two highest-rated proposals—the evaluators summarized their findings in a report to the contracting officer (CO), as follows:<sup>5</sup>

<b>Evaluation Factors</b>	<b>Trusted Base</b>	<b>AGTech</b>
Understanding of Requirements	6 Raw Points 2.30 Weighted Points	7 Raw Points 2.90 Weighted Points
Knowledge of Customer Organization	7 Raw Points 2.10 Weighted Points	8 Raw Points 2.40 Weighted Points
Past Performance	5 Raw Points 0.95 Weighted Points	8 Raw Points 1.50 Weighted Points
Price Points/ <b>Total Evaluated Price</b>	6 Raw Points 0.63 Weighted Points <b>\$29,999,680.50</b>	6 Raw Points 0.60 Weighted Points <b>\$34,109,078.70</b>
<b>Total Points</b>	24 Raw Points 5.98 Weighted Points	29 Raw Points 7.4 Weighted Points

AR exh. 17, Award Recommendation Memorandum, at 9-10.

Trusted Base’s evaluation rating under the non-price factors primarily reflected the evaluators’ judgment that, although Trusted Base’s proposal presented a number of strengths, it included several weaknesses that posed schedule and performance risks. In this regard, the evaluators noted the following weaknesses in the protester’s proposal:

- Proposal did not address administrative support
- Level and mix of staffing may not be sufficient to provide the necessary levels of support required by the [SOW]

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<sup>4</sup> After assigning raw scores under each evaluation factor, the agency multiplied the raw scores by the following weights: 40 percent for understanding of the requirements and technical approach; 30 percent for knowledge of customer organization; 20 percent for past performance; and 10 percent for price. The agency then added the weighted scores to arrive at a total weighted point score for each proposal. AR exh. 17, Award Recommendation Memorandum, at 1.

<sup>5</sup> The agency’s evaluation of other offerors’ proposals is not relevant to Trusted Base’s protest; accordingly, other offerors’ proposals are not further discussed.

- There may be some risk working with 6 subcontractors even though Trusted Base is the prime

AR exh. 17, Award Recommendation Memorandum, at 3. Trusted Base’s proposal received the second highest rating under the non-price factors and had the lowest total evaluated price, based on its overall staffing matrix of [deleted] FTE positions.

On the other hand, AGTech’s higher-rated proposal was based on an overall staffing matrix of [deleted] FTEs and had more significant evaluated strengths with no significant weaknesses. The evaluators pointed out that the “risk [in] working with 6 subcontractors” constituted a weakness in AGTech’s proposal; however, they recommended that the evaluated strengths in AGTech’s proposal justified the approximately 13.7 percent price premium. *Id.* at 2.

From his review, the CO concluded that there were clear advantages in the proposal of AGTech that justified paying a price premium for that proposal. The CO found that AGTech provided

. . . a more robust staffing plan than that of Trusted Base. Its technical proposal had exceptionally well laid out functional roles which showed a clear understanding of the breadth and depth of experience and skill sets necessary to successfully support the ESOCs. While Trusted Base’s price was lower than that of AGTech, its level of staffing was one of the lowest proposed among all ten offerors and was considerably less than that of AGTech. The evaluation team doubted that the level and mix of staffing would be sufficient to provide the necessary levels of support . . .

AR exh. 17, Award Recommendation at 7.

The CO also noted that AGTech offered to provide, at no extra cost, a contract transition manager with extensive DOS and HITSS experience, which increased the potential for a smooth and effective transition of the ESOC services. Moreover, he noted that AGTech’s proposal would provide added support to the agency because the proposal included a technical consultancy group with specialized expertise that would “augment and train LAN administration and operations staff across all sites and all shifts.” *Id.* at 7-8. Accordingly, the CO determined, based on this integrated assessment, that AGTech’s proposal represented the best overall value to the government, and the task order was issued to AGTech. Upon learning of this decision and after receiving a debriefing, Trusted Base filed this protest.

## DISCUSSION

Trusted Base complains that DOS misevaluated its proposal under every evaluation factor. In reviewing protests of alleged improper evaluations, it is not our role to

reevaluate proposals. Rather, our Office will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. Worldwide Language Res., Inc., B-297210 et al., Nov. 28, 2005, 2005 CPD ¶ 211 at 3. A protester's mere disagreement with the agency's judgment does not establish that an evaluation was unreasonable. UNICCO Gov't Servs., Inc., B-277658, Nov. 7, 1997, 97-2 CPD ¶ 134 at 7. We have reviewed all of Trusted Base's arguments and find that none has merit. We address some of Trusted Base's arguments below.

Trusted Base asserts that its proposal was impermissibly downgraded under the understanding of the requirements and technical approach evaluation factor.<sup>6</sup> The protester complains that it was penalized for failing to adequately address the approach/knowledge of office administrative support evaluation subfactor, even though this subfactor had been deleted from the evaluation scheme. Protest at 5; Protester's Comments at 5.

Although DOS agrees that this evaluation subfactor was deleted--and acknowledges that despite its deletion the subfactor remained on the previously-prepared evaluation materials--it explains that its concern was that the protester, unlike AGTech, did not propose any FTEs for the [deleted] position, a staffing requirement set forth in the TOR's "Service Offering Estimate." Thus, in the agency's view, it was not Trusted Base's failure to discuss its general approach to, or knowledge of, office administrative support that resulted in the assessment of a weakness in Trusted Base's proposal. Rather, it was the omission of an important position. The agency notes in this regard that this omission raised concerns about the firm's understanding of the comprehensive TOR staffing requirements.

Trusted Base argues that it was unreasonable for the agency to assume that the firm's proposed [deleted] FTEs for the base year staff did not include the [deleted] function position. See Protester's Comments at 5. In fact, Trusted Base points out that its proposal clearly indicated that it would satisfy this requirement by using its [deleted] support to ESOC. Id.

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<sup>6</sup> Trusted Base also protested that it was unfairly penalized for proposing multiple subcontractors. Protest at 6; Protester's Supplemental Comments at 3. The protester does not explain, and we fail to see, how the agency's evaluation concern regarding the use of multiple subcontractors--which was also an identified weakness in AGTech's proposal--had any impact on the overall evaluation results, or otherwise prejudiced the protester, as both offerors were treated the same in this area. We will not sustain a protest absent a showing of a reasonable possibility that the protester was prejudiced by the agency's actions. McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3.

While the record shows that Trusted Base's proposal explained that its [deleted] support, we do not think it was unreasonable for the agency to be concerned about the proposal's failure to address the requirement for a [deleted]. In addition, this position was specifically identified as a requirement in the TOR, and in other areas the agency found that other aspects of Trusted Base's proposed staffing indicated a lack of understanding of the TOR's comprehensive requirements. To the extent the protester believes that the information in its proposal explaining how it would use its [deleted] (a position not usually associated with [deleted]) should have addressed the agency's concerns, the protester is simply disagreeing with the agency's judgment; the protester's disagreement does not make the agency's concerns unreasonable. See UNICCO Gov't Servs., Inc., *supra*.

In any case, Trusted Base's central arguments focus on the agency's judgment that the protester's proposed staffing for the base and option years was understated and created doubt as to the company's ability to successfully perform the TOR services. The protester disagrees with this evaluation finding on the basis that the data in the "Service Offering Estimate" was simply an estimate of the staffing hours required. As such, the protester asserts it could propose staffing hours that, in its business judgment, would be sufficient to perform the required services. Protester's Comments at 2-5.

Again, while Trusted Base is correct that the staffing hours and labor categories in the TOR were estimates, the protester's argument misses the point. Potential offerors were instructed to use this information--which was based on historical workload data and TOR requirements--in preparing their proposals. Thus, this information provided a level-playing field for reviewing how offerors would perform--and the relative differences in their cost to perform--the time and materials effort at issue here. When the protester elected to generate its own estimates of the future workload, it assumed the risk that its fewer proposed staffing hours would result in an evaluation finding that the firm's staffing plan was understated. Also again, the protester's disagreement with the agency's evaluation judgment does not render it unreasonable. Coastal Drilling, Inc., B-285085.3, July 20, 2000, 2000 CPD ¶ 130 at 4.

Next, Trusted Base asserts that its proposal should have received higher point scores under the second and third evaluation factors, knowledge of the customer organization and past performance. In these areas, the protester argues that its evaluated strengths warranted a higher rating than the actual points assigned. Protest at 7-8.

In our view, the protester's arguments are unconvincing. The number of strengths, deficiencies, or weaknesses identified in an offeror's proposal does not dictate what overall point score a proposal receives. As discussed above, the contemporaneous evaluation record shows that the agency appropriately and qualitatively--rather than mechanically--evaluated the firms' proposals under each evaluation factor and, based upon that evaluation, identified differing strengths, weaknesses and deficiencies. Thus, the agency's evaluation went beyond the assigned numerical scores to

consider the specifics of each proposal to determine that AGTech's proposal was qualitatively superior to the proposal submitted by Trusted Base.

Finally, Trusted Base alleges that the consensus evaluation ratings were inadequate, given the inconsistent individual narratives and scores. Specifically, the protester argues that the consensus ratings are not supported by any narrative to explain the basis for these ratings; they are simply the result of averaging the individual evaluator's scores. Protester's Comments at 7-9; Protester's Supplemental Comments. While the protester correctly notes that the consensus scores here are, in fact, averages of the scores assigned by each of the individual evaluators, the fact remains that each of the evaluators signed the consensus report that was prepared for the CO. Specifically, despite the mathematical nature of arriving at a consensus rating, there is no evidence in the record to suggest that the report reflects anything other than their consensus. More importantly, since point scores are merely a guide to intelligent decisionmaking, see, SAMS El Segundo, LLC, B-291620, B-291620.2, Feb. 3, 2003, 2003 CPD ¶ 44 at 17, the CO's cost/technical tradeoff and award justification here adequately details the strengths and weaknesses that formed the basis for the selection decision. As a result, we see nothing unreasonable about this evaluation. Joint Mgmt. and Tech. Servs., B-294229, B-294229.2, Sept. 22, 2004, 2004 CPD ¶ 208 at 3-4.

The protest is denied.

Lynn H. Gibson  
Acting General Counsel