



Decision

Matter of: Cylab Inc.

File: B-402716

Date: July 13, 2010

Joshua Carvalho and Walter Lorenzo, Jr., for the protester.
E. David Hoard, Esq., Department of Defense, for the agency.
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GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably excluded the protester's proposal from the competitive range, where the agency found that protester's proposal contained significant weaknesses and was technically unacceptable.

DECISION

Cylab Inc., of Vienna, Virginia, protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. H98210-10-R-0002, issued by the Department of Defense (DOD), Defense Human Resources Activity (DHRA), for a sexual assault incident database.

We deny the protest.

BACKGROUND

Section 563 of The National Defense Authorization Act for Fiscal Year 2009 requires that the Secretary of Defense implement a centralized, case-level database for the collection and maintenance of information regarding sexual assaults involving members of the Armed Forces. To satisfy this requirement, DHRA issued the RFP for the award of a fixed-price, requirements contract for the Defense Sexual Assault Incident Database (DSAID) for DOD's Sexual Assault Prevention and Response Office (SAPRO).

The requirements for the DSAID were set forth in the RFP's statement of work (SOW) and in the DSAID Requirements Package, which was incorporated into the solicitation.¹ Among other things, offerors were informed that the contractor would design and develop a web-based, customized and configurable system using commercial-off-the-shelf software. SOW ¶ 3.1. The RFP provided that the DSAID would capture and maintain a variety of information, including, but not limited to, victim case management data, incident data, subject demographic data, subject disposition data, and sexual assault prevention and response program administration data.² The DSAID was required to have the following five capabilities: reporting, data entry, data interface, case management, and business management. Id. ¶ 4.1.

The RFP stated that award would be made on a best value basis, considering the following evaluation factors: technical, past performance, and price. Offerors were informed that the technical and past performance evaluation factors, when combined, were significantly more important than price. RFP, attach. A, Evaluation Factors. The RFP provided that the technical and past performance evaluation factors would be adjectivally rated. Offerors were informed that proposals would be evaluated under the technical evaluation factor as exceptional, acceptable, or unacceptable and that past performance would be assessed as satisfactory, neutral, or unacceptable. Id. at 2-3. The RFP identified four subfactors under the technical evaluation factor: technical approach, implementation plan, program management approach, and sample task order.

Detailed instructions were provided for the preparation of proposals under each evaluation factor and subfactor. RFP, attach. A, Evaluation Factors. In this regard, the RFP required the submission of proposals in three volumes (business, technical, and price) and required an oral presentation that included an explanation of the offeror's technical approach, a demonstration of the proposed technical solution, the offeror's proposed implementation plan, and the offeror's program management plan. RFP amend. 1 at 15-16. With respect to the oral presentation under the technical approach subfactor, offerors were directed to demonstrate their "understanding of the general intention, scope and requirements of the future system as outlined in the DSAID Requirements Package" and were informed that the agency would evaluate "the depth of [an offeror's] overall understanding of DSAID

¹ The DSIAD Requirements Package consisted of a number of documents, including the document "DSAID Requirements Package Overview and Supplemental Requirements," which outlined the project approach (including design, development, testing, and implementation), defined users and access, and contained high-level requirements and guidance for DSAID (such as DOD directives, regulations, and system features, system interface requirements, and supplemental requirements).

² DSAID will have various users and types of access. The data in the system will be entered both electronically and manually.

capabilities.” RFP, attach. A, Evaluation Factors, at 1. With respect to the program management subfactor, the RFP directed offerors to provide an oral presentation and a written description in their proposals that explained

their management approach to design, develop, and implement DSAID to include quality of product and service, timeliness of execution, ensuring development meets documented requirements, design proof-of-concept and development proof-of-concept execution, and client relationship approach.

Id. at 2.

Seven offerors, including Cylab, submitted written proposals and provided oral presentations, which were evaluated by the agency’s technical evaluation board (TEB). Cylab’s proposal was evaluated as technically unacceptable under the technical evaluation factor. This rating reflected the TEB’s judgment that Cylab’s proposal did not demonstrate the firm’s understanding of the intention, scope and requirements of the DSAID system and failed to meet a number of stated requirements. In this respect, the TEB found that Cylab’s proposal contained no strengths and many weaknesses. Agency Report (AR), Tab F, Consensus Rating and Rationale Summary Report. Among other things, the TEB criticized Cylab’s failure to provide a design proof-of-concept for its system, to explain how its system would execute various important DSAID elements such as 24-hour availability and archiving capability, or to demonstrate that Cylab understood the complexities of the DSAID requirements, including interfacing with other systems. See AR, Tab F, TEB Chairman’s Technical Review Summary, at 7.

Based upon the TEB’s evaluation of proposals, the contracting officer established a competitive range that included proposals from four firms. Cylab’s and two other offerors’ proposals, which also were evaluated as technically unacceptable, were excluded from the competitive range. Following a debriefing, Cylab filed this protest.

DISCUSSION

Cylab challenges the agency’s exclusion of its proposal from the competitive range, disagreeing with the agency’s judgment that its proposal was technically unacceptable. In this regard, Cylab challenges a number (but not all) of the weaknesses assessed in its proposal.³

³ Cylab was informed of some of the weaknesses in its proposal in the agency’s letter to Cylab stating the firm’s proposal had been found unacceptable, and in Cylab’s debriefing. Cylab was also informed, however, that there were other weaknesses in its proposal. In response to Cylab’s protest, the protester received DHRA’s report, including the TEB’s consensus evaluation of Cylab’s proposal, which identified all of
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Our Office will review an agency's evaluation and exclusion of a proposal from the competitive range for reasonableness and consistency with the solicitation criteria and applicable statutes and regulations. Novavax, Inc., B-286167, B-286167.2, Dec. 4, 2000, 2000 CPD ¶ 202 at 13. Contracting agencies are not required to retain in the competitive range proposals that are not among the most highly rated or that the agency otherwise reasonably concludes have no realistic prospect of being selected for award. Federal Acquisition Regulation (FAR) § 15.306(c)(1); General Atomics Aeronautical Sys., Inc., B-311004, B-311004.2, Mar. 28, 2008, 2008 CPD ¶ 105 at 5. In this regard, a protester's disagreement with an agency's evaluation and competitive range judgments does not establish that the agency acted unreasonably. CMC & Maint., Inc., B-290152, June 24, 2002, 2002 CPD ¶ 107 at 2.

Here, the record supports the agency's evaluation of Cylab's proposal. As noted above, offerors were instructed to demonstrate their understanding and compliance with the solicitation's requirements for the DSAID system. Cylab's proposal and oral presentation did not demonstrate such an understanding or its compliance with the DSAID system requirements. We address below a number of Cylab's challenges to the agency's evaluation of its proposal. Although we do not address every one of Cylab's arguments, we have considered all of them in our review of the record.

Cylab disagrees with the agency's assessment that the protester did not present its program management approach or explain how it would satisfy design and development proof-of-concept in its oral presentation or proposal. In this regard, the protester directs us to a number of sections in its proposal that Cylab contends address this requirement. See Protest at 2, 4, citing, Cylab Technical Proposal, Implementation Plan, §§ IV, VI.

We find that the agency reasonably evaluated Cylab's proposal under the program management approach subfactor. We have reviewed the cited sections of Cylab's proposal and find that these sections describe a general approach to program management, design and development of software.⁴ Nothing in these sections addresses specifically the requirements of the DSAID system or describes Cylab's understanding and approach to specific DSAID requirements. In this regard, the RFP's DSAID Requirements Package described the design and proof-of-concept

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the TEB's concerns with Cylab's proposal. Cylab has not addressed a number of the assessed weaknesses in its proposal.

⁴ The RFP provided that offerors would address the program management approach subfactor in their oral presentations. Although Cylab generally discussed its proposed project schedule and software, this discussion did not address specific DSAID requirements or detail its approach to design and development of the DSAID system with respect to the requirements of the DSAID Requirements Package.

efforts expected in contract performance. See DSAID Requirements Package Overview and Supplemental Requirements ¶ 3.2 (“Due to the overall complexity of DSAID, the design phase will follow a proof-of-concept approach. This approach will allow SAPRO to review each piece of designed functionality within this phase.”) Cylab did not, however, specifically address the DSAID Requirements Package, but instead asserted that the framework of its system was already designed.⁵ See Cylab Implementation Plan at 3.

Cylab also challenges the agency’s evaluated weaknesses for failing to address requirements for 24-hour availability and archiving capability. Cylab does not assert that it addressed these requirements in its proposal. Instead, it argues that, as a web application, the agency should have known that Cylab’s proposed DSAID system would have 24-hour availability. With respect to the archiving capability, Cylab states that this is a “very elementary feature to implement.” Protest at 5. Because the protester’s proposal did not address either of these requirements, we find the agency’s evaluation reasonable. 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 proposal).

Cylab further challenges a number of assessed weaknesses that ultimately reflect the agency’s judgment that the protester had failed to demonstrate its understanding of the DSAID system requirements. In this regard, the agency concluded that, rather than providing the agency with a detailed description of the design and development aspects necessary to meet DSAID’s unique requirements, Cylab instead provided a general explanation and presentation of how its current database works, with general assurances that Cylab’s database could be modified as required under the RFP.

For example, the agency found that Cylab’s proposal failed to demonstrate an adequate understanding of the different types of users that may access DSAID, and the different roles those users will have in DSAID. Cylab responds that its proposed system has an unlimited capability to allow access to different pages in its database, access to different objects on a page, and access to different elements within a dropdown menu on a page. Cylab contends that, given this capability to impose specific role access and restrictions, the agency’s assessment of weakness in this regard is unfounded.

⁵ Although Cylab’s proposal does not discuss a collaborative approach to design and development of its software, Cylab does state that it recognizes that its proposed software would be subject to review and modification by SAPRO. This does not address, however, the agency’s participation in the design and development process for the DSAID system.

We disagree. The weakness assessed did not concern the flexibility of Cylab's proposed system with respect to accessing pages or elements on a page,⁶ but that Cylab's proposal failed to demonstrate an understanding of DSAID users and their required access. See AR, Tab F, Consensus Rating and Rationale Summary Report, at 11-12, 13. In this regard, the agency notes (and Cylab does not dispute) that Cylab's proposal repeatedly identifies DSIAD users as being "adjudicators," "investigators," and "analysts," even though these are not the types of users identified by the RFP. Supplemental AR at 8. Moreover, Cylab does not reference in its proposal or oral presentation any of the users identified in the DSAID Requirements Package, see DSAID Requirements Package at 14-18, such as the Service Sexual Assault Prevention and Response Program Manager.

Similarly, the agency found that Cylab's proposal failed to address the many different fields/data elements necessary for the layers of information required in DSAID, failed to demonstrate an understanding of the DSAID case management system, and failed to explain how its solution would establish external links with other required database systems. In each of these weaknesses, the agency concluded that Cylab's proposal did not demonstrate an adequate understanding of the DSAID requirements.

In response, Cylab cites the various sections of its proposal that it believes responds to these concerns and states that its oral presentation demonstrated that its proposed software would allow users to perform various functions required under the RFP. In this regard, Cylab contends that certain evaluators had found that Cylab had proposed a viable system.

As is true with respect to a number of weaknesses assessed in Cylab's proposal, the record shows that Cylab's proposal failed to address specific DSAID requirements, and instead described a general approach to case management software. Thus, for example, Cylab described in its oral presentation the general data elements and fields available in its case management software, but did not tailor its discussion to the specific DSAID requirements of the RFP. The agency reasonably found that Cylab's failure to address the data elements/fields required for the DSAID system showed a lack of understanding of the RFP's requirements.⁷ Likewise, Cylab's discussion of its establishing external links with other database systems does not

⁶ Indeed, the evaluators specifically recognized Cylab's proposed flexibility. See AR, Tab F, Approved Strengths and Weaknesses Report, at 9.

⁷ Cylab's argument that some evaluators found Cylab's proposed case management system to be "viable" reflects a misunderstanding of the agency's evaluation of the firm's proposal. The agency's concern was not with the viability of Cylab's existing case management software, but with Cylab's failure to explain how this software would be modified to satisfy the RFP's specific requirements.

address interfacing with the disparate databases identified in the RFP. See DSAID Requirements Package at 18-19.

In sum, we do not agree with the protester that the agency's exclusion of the firm's proposal from the competitive range was unreasonable. Rather, the record shows that the agency reasonably assessed a number of weaknesses in Cylab's proposal that called into question the protester's understanding of the RFP's requirements and the firm's ability to satisfy those requirements.

The protest is denied.

Lynn H. Gibson
Acting General Counsel