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## Decision

**Matter of:** Innovative Management Concepts, Inc.

**File:** B-408070.2

**Date:** December 4, 2013

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### DIGEST

1. Protest that agency improperly relied on undisclosed criteria in making selection decision is denied where the matter at issue--the benefits associated with the selected firm having proposed [deleted] more people--was reasonably encompassed by the solicitation's stated evaluation factors.
2. Protest of best value determination is denied where agency reasonably concluded that selection of slightly higher-priced proposal was warranted in light of the proposal's provision of additional personnel and the experience of the firm's subcontractor under the incumbent contract.

### DECISION

Innovative Management Concepts, Inc. (IMC), of Dulles, Virginia, protests the issuance of a task order to Veteran Engineering & Technology, LLC (VETS), of Colorado Springs, Colorado, under task order request for proposals (TORP) No. TORP725153, issued by the Department of the Army, Mission and Installation Contracting Command-Fort Dix (MICC) under the General Services Administration's Veterans Technology Services Government-wide Acquisition Contract (GWAC) for information technology management services. IMC challenges the agency's evaluation of proposals and the best value award determination.

We deny the protest.

## BACKGROUND

The solicitation, issued on August 20, 2012, sought proposals for information technology services--information systems automation and network services--for a base year and 2 option years. Agency Report at 1-2. The TORP provided for issuance of the task order on a best-value basis considering price and non-price factors, including technical approach and past performance. Technical approach was significantly more important than past performance, and these two factors, when combined, were slightly more important than price. TORP Attach. 0001, Instructions to Offerors, at 4. Regarding the technical approach factor, the TORP instructed firms to clearly demonstrate the “full capability” and “experience” possessed by the firm’s team to meet all performance work statement (PWS) requirements. Id. Firms were to address “at a minimum” the resources they would provide in performance of the requirements. In this regard, the TORP specifically required firms to provide an organizational chart depicting their proposed detailed organization for performance of the PWS, a management plan, applicable training and certifications, and subcontracting efforts proposed to accomplish the PWS. Id. at 3.

The agency received seven proposals by the TORP closing date. Initially, the agency issued the task order to IMC. VETS, however, filed a protest with our Office, which resulted in the agency taking corrective action, to include reevaluating proposals and making a new selection decision. See Veteran Eng’g & Tech., LLC, B-408070, Mar. 28, 2013. After implementing the promised corrective action, the agency changed its initial selection decision and concluded that VETS’ proposal provided the best value to the government.

In selecting VETS, the source selection authority (SSA) noted that both the protester and VETS received equal adjectival evaluation ratings (“acceptable” for the technical factor and “very relevant/substantial confidence” for past performance) and that VETS’ evaluated price of \$11,741,543.31 was 0.2 percent higher than the protester’s price of \$11,717,835.99.<sup>1</sup> Contracting Officer’s Statement of Best Value at 3, 9. The SSA found that paying the slightly higher price for the VETS proposal was justified, however, by the additional value it presented. Specifically, the SSA identified the fact that VETS proposed two additional personnel--IMC proposed a staff of [deleted] individuals whereas VETS proposed a staff of [deleted]--and concluded that the additional labor would allow VETS to “provide swifter reaction times to sudden network or system administration problems.” Id. In addition, the SSA noted that VETS’ proposed subcontractor had worked on the incumbent

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<sup>1</sup> We have jurisdiction over the protester’s challenge of the task order award because the estimated value of the task order exceeds \$10 million. See e-Management Consultants, Inc., Centech Group, Inc., B-400585.2, B-400585.3, Feb. 3, 2009, 2009 CPD ¶ 39 at 6; 10 U.S.C. § 2304c(e) (2006).

contract and found that the incumbent subcontractor's knowledge of and experience at the facility "will generate further efficiencies that will benefit the government." Id. The agency issued the task order to VETS, and after receiving a debriefing, IMC filed this protest.

## DISCUSSION

IMC alleges that the agency's selection decision was improper because the TORP did not provide for evaluating the number of personnel proposed. The protester also generally alleges that the agency was biased in favor of VETS stemming from its having proposed the incumbent subcontractor, and that it should have received the task order where it had the same adjectival ratings as VETS but a lower price.

In reviewing an agency's evaluation of proposals and source selection decision, it is not our role to reevaluate submissions; rather, we examine the supporting record to determine whether the decision was reasonable, consistent with the stated evaluation criteria, and adequately documented. Trofholz Techs., Inc., B-404101, Jan. 5, 2011, 2011 CPD ¶ 144 at 3. A protester's disagreement with the agency's evaluation judgments, or with the agency's determination as to the relative merits of competing proposals, does not establish that the evaluation or the source selection decision was unreasonable. Smiths Detection, Inc.; Am. Sci. and Eng'g, Inc., B-402168.4 et al., Feb. 9, 2011, 2011 CPD ¶ 39 at 6-7. Where detailed technical proposals are to be evaluated under evaluation criteria, qualitative distinctions can be made, and in making them, agencies may properly take into account specific, albeit not expressly identified matters that are logically encompassed or related to the stated evaluation criteria. AWD Technologies, Inc., B-250081.2, B-250081.3, Feb. 1, 1993, 93-1 CPD ¶ 83 at 6.

Here, the TORP advised firms to "clearly demonstrate" their "full capability" to meet all the requirements set forth in the PWS and address "at a minimum" the firm's "resources." In this regard, firms were instructed to provide, among other things, an organizational chart "depicting the detailed organization proposed for the performance of this PWS." Attach. 0001 at 3; PWS § 5.1.4.6.1. Moreover, under the price factor, firms were expressly instructed to provide "the number of proposed personnel" to perform the various tasks identified in the PWS.

The record reflects that both the protester and VETS provided their total proposed number of personnel in their technical proposals and provided detailed information in their price proposals establishing their total proposed personnel. IMC Technical Proposal at 42-43, and Price Proposal at 5; VETS Technical Proposal at 34, and Price Proposal at 10. The agency properly considered this information in its evaluation and ultimate selection decision since, as noted above, the solicitation required firms to provide the information as part of their price proposals, and the proposed staffing levels in the firms' technical proposals were reasonably encompassed within the evaluation scheme established by the solicitation, which

contemplated the agency's evaluation of firms' proposed "resources." In rejecting the protester's argument, we find the premise of the challenge, that consideration of total personnel was not reasonably related to the agency's evaluation of the firms' resources, to be fundamentally at odds with the protester's own contemporaneous understanding of the solicitation as reflected by the information contained in its proposal. As noted above, IMC included personnel staffing information to include its total number of personnel, apparently on the belief that such information was relevant and properly within the ambit of the agency's technical evaluation. See Network Eng'g, Inc., B-292996, Jan. 7, 2004, 2004 CPD ¶ 23 at 4.

IMC also challenges the award to VETS on the basis that the agency was improperly biased in favor of award to VETS based on its having proposed to use a subcontractor which had worked on the incumbent contract. Procurement officials are presumed to act in good faith and our Office will not attribute unfair or prejudicial motives on the basis of mere inference. Operational Support & Servs., B-299660.2, Sept. 24, 2007, 2007 CPD ¶ 182 at 3. Where a protester alleges bias, it must provide credible evidence clearly demonstrating bias against the protester or in favor of the successful firm. Detica, B-400523, B-400523.2, Dec. 2, 2008, 2008 CPD ¶ 217 at 4-5. The protester has made no such showing here. Rather, setting the protester's allegations of bias aside, it is well-settled that where experience is an evaluation factor, as it was here, an agency may reasonably consider the advantages associated with incumbent experience. See Network Eng'g, Inc., supra; Sabreliner Corp., B-242023, B-242023.2, Mar. 25, 1991, 91-1 CPD ¶ 326 at 8.

Finally, the protester's contention that it should have received the task order award since it had the same ratings as VETS, but a lower price, is without merit. In a best value procurement, there is no requirement that the source selection be made on the basis of lowest price unless the solicitation so specifies; rather, price/technical tradeoffs may be made and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the solicitation's terms. Applied Physical Sciences Corp., B-406167, Feb. 23, 2012, 2012 CPD ¶ 102 at 6; Information Network Sys., Inc., B-284854, B-284854.2, June 12, 2000, 2000 CPD ¶ 104 at 12. Evaluation ratings are merely guides and proposals with the same adjectival ratings are not necessarily of equal quality; the qualitative information underlying the ratings is what the source selection official should consider, in addition to ratings, to enable them to determine whether and to what extent meaningful differences exist between proposals. Pemco Aeroplex, Inc., B-310372, Dec. 27, 2007, 2008 CPD ¶ 2 at 6.

Our review of the record shows that the SSA properly looked behind the adjectival ratings to identify qualitative differences that existed between the proposals. The protester has provided no basis to question the reasonableness of the SSA's determination that VETS' additional personnel (providing faster reaction times)

along with its subcontractor's incumbent experience (providing efficiencies from its specific experience) outweighed the slight cost premium (at 0.2 percent) involved in the selection of the VETS. Accordingly, we have no basis to question the reasonableness of the agency's selection decision.

The protest is denied.

Susan A. Poling  
General Counsel