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Comptroller General  
of the United States

United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Research Analysis & Maintenance, Inc.--Reconsideration

**File:** B-409024.2

**Date:** May 12, 2014

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Theodore P. Watson, Esq., and Nicole L. Carter, Esq., Watson & Associates, LLC, for the protester.

Kristen M. Nowady, Esq., General Services Administration, for the agency.

Katherine I. Riback, Esq., and Jonathan L. Kang, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Request for reconsideration of our Office's decision denying a protest is denied where the decision did not contain errors of fact or law that warranted its reversal or modification. Additionally, the fact that our decision addressed some, but not all, of the protester's arguments does not provide a basis for reconsideration.

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### DECISION

Research Analysis & Maintenance, Inc. (RAM), of El Paso, Texas, requests reconsideration of our decision in Research Analysis & Maintenance, Inc., B-409024, Jan. 23, 2014, 2014 CPD ¶ 274, in which we denied RAM's protest of the issuance of an order to X-EETO, Inc., of Miami, Florida, by the General Services Administration (GSA) pursuant to request for quotations (RFQ) No. ID02130029. RAM argues that our decision made errors of law and fact in denying its protest, and also that our decision did not address each of its arguments.

We deny the request for reconsideration.

### BACKGROUND

The RFQ, which sought enterprise level command, control, communications, computers and IT support services, was issued on July 10, 2013, under Federal Acquisition Regulation (FAR) Subpart 8.4, to vendors who hold contracts under GSA's Federal Supply Schedule No. 70. The RFQ contemplated the issuance of a single task order with fixed-price and time-and-materials requirements, for an initial base period of performance and four 1-year options. The procurement, which was

conducted by GSA on behalf of the U.S. Southern Command (SOUTHCOM), sought information technology (IT) support services. Some of the requirements are in support of U.S. Special Operations Command South (SOCSOUTH) which is a sub-unified command of SOUTHCOM. Legal Memo at 1.

The RFQ advised vendors that the order would be issued on a best-value basis, considering two factors, technical and price, with technical being significantly more important than price. The technical factor was comprised of three subfactors: (1) explanation/demonstration of how the vendor will maintain SOUTHCOM's IT; (2) vendor's staffing plan; and (3) past performance. Agency Report (AR), Tab 1, RFQ Instructions to Quoters, at 4. The RFQ advised that within the technical factor, the second subfactor was significantly more important than the first.<sup>1</sup> The solicitation further advised that proposals would be rated under the technical factor as outstanding, good, acceptable or unacceptable, and that to be considered for award, a quotation had to be rated as acceptable or better.

As stated above, the IT support services to be furnished included support for the headquarters of the SOCSOUTH. AR, Tab 2, Performance Work Statement (PWS) ¶ 3.22. Subparagraph 3.22.2 of the PWS listed 12 categories of support to be furnished to SOCSOUTH (e.g., network and systems administration services, web administration, desktop VTC [video teleconference] support, and life-cycle management), and subparagraphs 3.22.3 through 3.22.10 provided further detail regarding various categories of required support. In response to a vendor question, the agency indicated that historically, the number of full-time equivalents (FTEs) supporting the SOUTHCOM contract had been 77-90; the agency did not, however, provide information as to the number of FTEs historically supporting the SOCSOUTH requirements.

As relevant here, PWS subparagraph 3.22.7 provided further detail regarding the deployment support requirement as it relates to the required SOCSOUTH support, as follows:

- Provide software and hardware support for [SOCSOUTH] deployments.
- Support includes the setup, configuration, operation, troubleshooting, and maintenance of the JTF SOF [Joint Task Force Special Operations Force] – servers and workstations, for the JTF NIPRNET [Non-Secure Internet Protocol Router Network], and the JTF

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<sup>1</sup> The solicitation did not furnish guidance as to the relative weight of past performance vis-à-vis the other two subfactors; the absence of such guidance is not a matter of significance to this protest.

SIPRNET [Secure Internet Protocol Router Network] LAN [local area network] when deployed during exercises, crises, and/or wartime.

AR, Tab 2, PWS § 3.22.7.

Although GSA did not provide vendors with a staffing estimate for the SOCSOUTH requirements, the agency prepared an internal estimate that was used in evaluating the quotations. The government's staffing estimate for the SOCSOUTH work was 17 FTEs, which included 4 FTEs for deployment support, 1 FTE for logistical support, and 1 FTE for VTC support.

Ten vendors submitted quotations prior to the specified due date of August 16. After reviewing the quotations, agency evaluators assigned RAM's quotation a technical rating of unacceptable and X-EETO's quotation a technical rating of outstanding. The evaluators identified a number of strengths in the protester's quotation, including its staffing plan of 91 FTEs for SOUTHCOM, its good understanding and explanation/demonstration of how it would meet the solicitation requirements, and its low risk past performance; however, the evaluators also found that the quotation contained a weakness and deficiencies that made it unacceptable.

As relevant here, the evaluators identified RAM's "incomplete staffing plan of [deleted] FTEs for SOCSOUTH," as a deficiency. AR, Tab 4, Technical Evaluation Report, Sept. 18, 2013, at 10. The evaluators identified as a further deficiency the protester's approach to providing deployment, VTC, and life-cycle management support for SOCSOUTH because RAM's proposed staffing approach did not include dedicated Deployment Support FTEs for SOCSOUTH, and therefore did not meet the Government's estimated need for 4 FTEs. Id. at 10-11. The agency concluded that sharing these functions with the same FTEs that provide the non-deployable requirements was an unacceptable approach as it would cause a high-risk void in the support of one or the other missions. Id.

The agency found that X-EETO's quotation was both the highest-rated technically and the highest in price. The contracting officer concluded that as a result of its technical superiority, X-EETO's quotation represented the best value to the government. On September 20, the contracting officer issued the order to X-EETO, and, on September 23, he notified the unsuccessful vendors of their non-selection. The protester sought additional information regarding the selection decision from the contracting officer, which, pursuant to FAR § 8.405-2(d), he furnished on September 28. RAM subsequently filed a timely protest with our Office.

RAM argued that GSA's evaluation of its quotation lacked a reasonable basis with regard to the assessment of deficiencies and weaknesses. The protester also argued that the agency's best-value tradeoff determination was flawed. As relevant here, RAM acknowledges that SOCSOUTH was a new requirement for the

SOUTHCOM contract. The protester argued, however, that it had performed the SOCSOUTH portion of the work for ten years and that there were no new substantive requirements to PWS ¶ 3.22 (SOCSOUTH) that would require additional staff. For this reason, RAM argued that the agency's estimate for SOCSOUTH staffing was inflated, and improperly assessed a deficiency based on the protester's proposed level of staffing. RAM also argued that the agency failed to assess the specifics of its approach and, instead, mechanically applied undisclosed estimates.

In our decision of January 23, 2014, we denied RAM's protest, finding that GSA's assessment of RAM's staffing plan was reasonable. Specifically, we concluded that the agency found that RAM's proposal "did not provide the level of detail needed to show an adequate technical solution." Supp. AR at 2.

## DISCUSSION

RAM argues that our decision contained errors of law and fact concerning the agency's evaluation of the protester's proposal as unacceptable. The protester raises two primary arguments: (1) our decision erred in concluding that the agency reasonably found that the protester failed to provide adequate staffing for the SOCSOUTH requirements and therefore merited assessment of a deficiency, and (2) our decision failed to address every issue raised in its protest.<sup>2</sup> For the reasons discussed below, we find no basis to reconsider our decision.

To prevail on a request for reconsideration, the requesting party must either show that our decision contains an error of fact or law, or present information not previously considered that warrants the decision's reversal or modification. 4 C.F.R. § 21.14(a) (2014). A request for reconsideration that reiterates arguments made previously and merely expresses disagreement with the prior decision does not meet the standard for granting reconsideration. Gordon R.A. Fishman--Recon., B-257634.4, Sept. 9, 1996, 96-2 CPD ¶ 110 at 2-3. Here, we conclude that the standard for reconsideration has not been satisfied.

First RAM argues that GSA improperly assigned its quotation deficiencies based on its staffing of the SOCSOUTH requirements. RAM argues that our decision incorrectly held that the protester failed to substantiate its argument that there were no new SOCSOUTH requirements. As discussed in our decision, the protester

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<sup>2</sup> With regard to the alleged legal errors in our decision, RAM primarily argues that our decision erred in relying on decisions by our Office that were not apposite, in light of what the protester contends were errors of fact. Because, as discussed below, we conclude that our decision does not contain errors of fact that warrant reconsideration, we find no basis to conclude that our decision had related errors of law.

acknowledges that SOCSOUTH was a new requirement for this particular contract. RAM argues, however, that it performed the SOCSOUTH portion of the work for ten years, and therefore understood the level of staffing required. The protester further argues that there were no new substantive requirements in PWS 3.22 regarding SOCSOUTH, beyond those in its prior contract that would necessitate additional staff. We found that the protester did not demonstrate that the SOCSOUTH requirements were the same. Research Analysis & Maint., Inc., supra, at 6. Specifically, we stated that “while RAM’s position appears to be that the PWS in the solicitation that resulted in the prior award is identical to the PWS here, it has not offered any evidence that this is, in fact, the case.” Id.

RAM’s request for reconsideration primarily reiterates its belief that the solicitation’s SOCSOUTH requirements are the same as those performed under the protester’s incumbent contract. See Request for Reconsideration at 7-9. The repetition of previously-raised arguments, however, does not provide a basis to reconsider our decision. Gordon R.A. Fishman--Recon, supra. RAM also argues that its proposal clearly explained its prior work at SOCSOUTH, which should have demonstrated that those requirements were the same as those set forth in the RFQ. Id. at 8-9. RAM’s comments in response to the agency’s supplemental report, however, did not clearly address the portions of its proposal that the protester now cites in its request for reconsideration. Instead, the protester’s comments on the agency’s supplemental report primarily relied on its general representation in its proposal that the work was the same. Protester’s Supp. Comments (Jan. 13, 2014) at 5-7. The presentation of arguments that the protester could have, but did not, present in its protest and comments does not provide a basis to reconsider our decision. Gordon R.A. Fishman--Recon., supra

As a related matter, the protester argues that our decision incorrectly concluded that RAM’s proposal did not reflect a correct understanding of the requirements. To the extent RAM argues that its proposal adequately explained its approach to using same staff for both, we addressed this matter in our decision. In this regard, we stated that although RAM proposed to use the same employees to perform multiple functions, it did not demonstrate how this approach would allow it to perform the required functions with substantially fewer FTEs than the agency estimate. Research Analysis & Maint., Inc., supra, at 7. As we explained in our previous decision a firm has the responsibility to submit a well-written quotation, with adequately detailed information which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. ProActive, LLC, B-403545, Nov. 18, 2010, 2011 CPD ¶ 56 at 5. A firm that does not affirmatively demonstrate the merits of its quotation risks rejection of its quotation or risks that its quotation will be evaluated unfavorably where it fails to do so. Johnson Controls, Inc., B-407337, Nov. 20, 2012, 2012 CPD ¶ 323 at 3. The protester’s repetition of and elaboration on the arguments that it raised in its protest regarding deployment, and the protester’s expression of disagreement with our conclusion do

not provide a basis for granting reconsideration. HK Sys., Inc.--Protest and Recon., B-291647.6, B-291647.7, Aug. 29, 2003, 2003 CPD ¶ 159 at 6.

Next, RAM notes our decision concluded that the agency did not base its staffing estimates on the X-EETO proposal, as the estimates were prepared prior to the issuance of the RFQ. Research Analysis & Maint., Inc., *supra*, at 5 n.5. In its request for reconsideration, the protester contends that our decision misconstrued its argument, which the protester states was that the agency's evaluation of X-EETO's overall proposed staffing level as exceeding the solicitation requirements was unreasonable because RAM proposed a similar overall staffing level. This argument concerning the offerors' overall staffing, however, does not demonstrate that the agency unreasonably assessed deficiencies to RAM's proposal with regard to its proposed staffing for the SOCSOUTH requirements. For this reason, we find no basis to reconsider our decision. In sum, we find no basis to reconsider our decision that the agency reasonably assessed deficiencies for RAM's proposal based on its staffing approach.

RAM's second primary argument for reconsideration of our decision contends that our decision failed to specifically address all of the issues raised in its protest. Contrary to RAM's argument, and as stated in our prior decision, we considered all of RAM's arguments in resolving the protest, but only discussed that the agency had a reasonable basis for finding that the RAM's staffing plan was inadequate, and on that basis, determined its proposal to be unacceptable. See Research Analysis & Maint., Inc., *supra*, at 7 n.7. This is consistent with the statutory mandate that our bid protest forum provide for "the inexpensive and expeditious resolution of protests." See Competition in Contracting Act of 1984, 31 U.S.C. § 3554(a)(1) (2006). In further keeping with our statutory mandate, our Office does not issue decisions in response to reconsideration requests to address a protester's dissatisfaction that a decision does not address each of its protest issues. See Ahtna Facility Servs., Inc.--Recon., B-404913.3, Oct. 6, 2011, 2012 CPD ¶ 270 at 3.

In any event, we have again reviewed the arguments referenced by the protester in its reconsideration request that were not addressed in detail in our prior decision and find that none had any merit; we also find that these arguments do not provide a basis to warrant reversal or modification of our prior decision. For example, RAM argues that we did not address its contention that the agency's evaluation of its quotation failed to address the role of its proposed teaming partner, STG, and the benefits it would provide. Request for Reconsideration at 12. We note that, beyond stating that its teaming partner could have helped it generally, RAM does not point to any specific information regarding STG that could have affected the evaluation of

its staffing plan. Protester's Comments (Nov. 27, 2013) at 8-9. On this record, we find no basis to reconsider our decision.

The request for reconsideration is denied.

Susan A. Poling  
General Counsel