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Decision

Matter of: Electronic On-Ramp, Inc.

File: B-410431.3

Date: December 15, 2014

William T. Welch, Esq., McMahon, Welch and Learned, PLLC, for the protester.
Jennifer S. Zucker, Esq., Wiley Rein LLP, for Archimedes Global, Inc., the intervenor.

Erica S. Beardsley, Esq., Kyle E. Chadwick, Esq., Scott N. Flesch, Esq., CPT Evan C. Williams, Department of the Army, for the agency.

K. Nicole Willems, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest alleging that agency improperly rejected the protester's proposal on initial compliance review is denied where the agency reasonably found that the protester omitted information required by the solicitation.

DECISION

Electronic On-Ramp, Inc. (EOR) protests the elimination of its proposal from the competition under request for proposals (RFP) No. W911W4-13-R-0005 issued by the Department of the Army, U.S. Army Intelligence and Security Command, for global intelligence services. EOR challenges the Army's finding that its proposal omitted required information and the resulting decision to exclude its proposal from the competition.

We deny the protest.

BACKGROUND

The RFP, issued on March 15, 2013, contemplated the award of multiple indefinite-delivery/indefinite-quantity (IDIQ) contracts with a five year ordering period. RFP at 1. Task Orders are to be awarded on a competitive basis for intelligence, security, information operations, mission support, and sustainment services in support of the U.S. Army Intelligence and Security Command (INSCOM), the Army, and intelligence community partners worldwide. RFP at §§ A and F.1. The RFP

provided for two pools of awards, a restricted pool, set aside for small businesses, and an unrestricted pool. RFP at 3. EOR competed in the restricted pool. Agency Report (AR) at 5. The RFP established a best value source selection process, considering technical, small business participation, past performance and cost/price factors. RFP § M.5.

As provided in the RFP, the agency could make awards without discussions and could reject a proposal that failed to meaningfully respond to the proposal preparation instructions specified in section L of the RFP. RFP §§ M.1.1 and M.2.1. Furthermore, as relevant to the protest, the RFP indicated that a proposal could be rejected where it omitted significant material data and information required by section L. RFP § M.2.1.

Among other things, section L required offerors to submit a security plan describing “the Offeror’s policies and procedures to ensure compliance with the security aspects of the solicitation” RFP § L.5.5.1.4.2. Section L of the RFP also required offerors to submit “a completed security checklist (located in Section J of the solicitation) that identifies the location in the Offeror’s proposal where the specific security items [required to be included in the security plan] are addressed.” RFP § L.5.5.1.4.1.

The RFP established multiple items to be addressed in an offeror’s security plan, of which four are at issue in this protest. First, the RFP required offerors to describe their security organization showing, among other things, their “ability to exercise a coordinated effort to expedite clearance actions.” RFP § L.5.5.1.4.2.1. Second, the RFP required offerors to “describe their security training program, identifying their compliance with security requirements referenced in the solicitation.” RFP § L.5.5.1.4.2.3. Offerors were to include a description of the steps they intended to take to promote security procedures within a classified environment. *Id.* Third, the RFP required offerors to describe “the prime Offeror’s facilities for storing and safeguarding Top Secret Sensitive Compartmented Information (SCI) including size, location, and existing equipment,” and include a declaration as to “whether it is properly accredited, meets DD 254 requirements, and is accredited for interfacing with or hosting Government networks.” RFP § L.5.5.1.4.2.4. Finally, the RFP required offerors to describe their process for “verifying personnel’s understanding of and compliance with applicable security requirements.” RFP § L.5.5.1.4.2.5.

EOR submitted a timely proposal on July 1, 2013, which included the security checklist required by RFP § L.5.5.1.4.1. The agency conducted an initial compliance review and found that EOR’s proposal did not comply with the solicitation’s security requirements because the proposal did not sufficiently describe the details of some processes or procedures to indicate a robust or responsive security capability, and others were not described at all. Contracting Officer’s (CO’s) Statement at 4. Specifically, the agency concluded that EOR’s proposal did not fully describe: (1) EOR’s “ability to exercise a coordinated effort to expedite [security] clearance

actions;” (2) “how the offeror intends to promote security procedures within a classified environment;” (3) EOR’s “facilities for storing and safeguarding [top secret sensitive compartmentalized information],” or (4) EOR’s “process for verifying personnel’s understanding of and compliance with applicable security requirements.” AR, Tab 5, Agency Security Compliance Checklist, at 1-2. Accordingly, the agency rejected EOR’s proposal and eliminated it from further consideration. AR at 5.

On September 12, 2014, the agency notified EOR that its proposal had been rejected for failing to address the four security requirements listed above. AR at 6. EOR received a debriefing on September 24, 2014, and this protest followed. Id.

DISCUSSION

EOR challenges the agency’s compliance review and the subsequent elimination of its proposal from the competition. EOR’s Comments at 1. The agency alleges that it properly rejected EOR’s proposal because it “omitted four categories of material information that offerors were required to cite in a security checklist.” AR at 1. EOR argues that it satisfied the solicitation requirements, while conceding that “there may have been some instances of lack of detail.” EOR’s Comments at 4-5. As discussed below, EOR’s protest is without merit.¹

The evaluation of an offeror’s proposal is a matter within the agency’s discretion. IPlus, Inc., B-298020, B-298020.2, June 5, 2006, 2006 CPD ¶ 90 at 7, 13. A protester’s disagreement with the agency’s judgment in its determination of the relative merit of competing proposals does not establish that the evaluation was unreasonable. Bryan Construction, Inc., B-409135, Jan. 14, 2014, 2014 CPD ¶ 51 at 5. In reviewing a protest against an agency’s evaluation of proposals, our Office will not reevaluate proposals but instead will examine the record to determine whether the agency’s judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. See Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3.

Here, the record reflects that the agency reasonably concluded that EOR omitted information required by the solicitation. For example, as noted above, the RFP required offerors to describe their security organization showing, among other things, the “ability to exercise a coordinated effort to expedite clearance actions.” RFP § L.5.5.1.4.2.1. EOR’s security checklist indicated that the agency could find the required description in section L.5.5.1.4.2.2 of its proposal. AR, Tab 4, EOR’s

¹ We have fully considered all of the protester’s arguments challenging the agency’s evaluation of its proposal, and, although we do not address them all, we find no basis upon which to sustain the protest.

Proposal at 72. As the agency asserts, however, the corresponding section of EOR's proposal does not specifically describe EOR's ability to exercise a coordinated effort to expedite clearance actions. AR, Tab 4, EOR's Proposal at 75. Instead, it describes the qualifications of EOR's facility security officer. Id. The agency also contends, and the record reflects, that there is no mention of EOR's ability to exercise a coordinated effort to expedite clearance actions anywhere else in EOR's proposal. AR at 8.

The protester argues that the description of its experienced security personnel and their ability to process clearances should have been sufficient to meet the requirement. EOR's Comments at 5. EOR also argues that other sections of its proposal clearly demonstrate its ability to exercise a coordinated effort to expedite clearance actions. Id. at 5-6. For example, EOR cites sections of its proposal that describe its coordination with entities such as Scattered Castles and the Embassy of Moscow, as well as its proposed timeframe for security actions and its stated policy of being "proactive concerning security clearances" Id. Despite EOR's arguments, EOR has not identified, and we are unable to find, any section its proposal that clearly provides the description sought by the RFP.

An offeror has the responsibility to submit a well-written proposal, 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. An offeror that does not affirmatively demonstrate the merits of its proposal risks rejection of its proposal or risks that its proposal will be evaluated unfavorably where it fails to do so. Johnson Controls, Inc., B-407337, Nov. 20, 2012, 2012 CPD ¶ 323 at 3. Based on the record in this case, which indicates that EOR failed to specifically describe its ability to exercise a coordinated effort to expedite clearance actions, we have no basis to question the reasonableness of the agency's finding that EOR omitted the information required by the RFP.

Additionally, the RFP required each offeror to describe "the prime Offeror's facilities for storing and safeguarding Top Secret Sensitive Compartmented Information [TS/SCI] including size, location, and existing equipment" RFP § L.5.5.1.4.2.4. While EOR's proposal contained some information about a facility accredited to one of its team members, Jacobs Technology Inc., the agency argues that it did not provide all the required details, such as the size of the proposed facility and the existing equipment. AR at 9-10. EOR concedes that it did not provide the square footage for the proposed facility and that it did not fully identify all the equipment at the facility.² EOR's Comments at 8. As with the first example, based on the

² While the protester argues that the agency could have asked for additional information, as we have previously noted, an offeror has the responsibility to submit a well-written proposal, with adequately detailed information which clearly

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requirements in the RFP and the limited information presented in EOR's proposal, we have no reason to conclude that the agency was unreasonable in finding that EOR's proposal failed to demonstrate that it met the solicitation requirements. Thus, we have no basis to conclude that the agency's decision to remove EOR's proposal from the competition was inconsistent with section M.2.1 of the RFP, which permitted the agency to reject a proposal that omitted significant material information.

The protest is denied.

Susan A. Poling
General Counsel

(...continued)

demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. ProActive, LLC, supra.