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Decision

Matter of: ICI Services Corporation

File: B-411812; B-411812.2

Date: September 21, 2015

Michael J. Gardner, Esq., and Shomari Brock Wade, Esq., Troutman Sanders LLP, for the protester.

Rizlane Riahi, Esq., Department of the Navy, Naval Sea Systems Command, for the agency.

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DIGEST

Protest of the rejection of the protester's proposal is denied, where the agency reasonably found, consistent with the stated evaluation criteria, that the protester's proposed key personnel failed to satisfy the solicitation's minimum requirements.

DECISION

ICI Services Corporation, of Virginia Beach, Virginia, protests the Department of the Navy's elimination of its proposal from the competition under request for proposals (RFP) No. N00024-13-R-3042, for professional support services for the Program Executive Office (PEO) for Integrated Warfare Systems (IWS). ICI challenges the agency's determination that two of ICI's key personnel failed to meet the solicitation's minimum requirements.

We deny the protest.

BACKGROUND

The RFP was issued as a small business set-aside on December 20, 2012, to firms holding Seaport-Enhanced multiple award indefinite-delivery, indefinite-quantity (IDIQ) contracts.¹ The RFP contemplated the issuance of a task order on a best

¹ The RFP cited in this decision is the version issued as amendment 6 on March 11, 2013. Agency Report (AR), exh. 1.

value basis, considering three evaluation factors: technical capability, past performance, and cost.² RFP at 114. The technical capability evaluation factor consisted of three subfactors: technical capabilities and experience; staffing; and management. The technical capability evaluation factor was more important than past performance, and the two evaluation factors combined were significantly more important than cost. Id.

With regard to the staffing subfactor, the RFP required that offerors provide resumes for all key personnel. The resumes were to include such information as name, educational background, related job experience, and related training, among other things. Id. at 100. Offerors were informed that the resumes should demonstrate the firm's capability to successfully meet the requirements of the task order. Id. The RFP defined key personnel as those individuals listed in attachment 3 to the RFP. Id. Attachment 3 identified a total of 22 personnel positions and included "minimum qualifications" for each position. RFP, attach. 3. As relevant to this protest, the minimum qualifications for two of those positions were:

1) Public Affairs Analyst:

Significant experience with DoD [Department of Defense] acquisition and PPBES [Planning, Programming, Budgeting, and Execution System] processes, Strategic Communications, and Legislative Affairs.

2) Administration Analyst:

Significant experience with Administrative responsibilities adhering to Navy's Correspondence manual, use of Defense Travel Systems, and Microsoft Office Products.

RFP, attach. 3, at 2-3.

The RFP stated that proposals would be assigned adjectival ratings of outstanding, good, acceptable, marginal, or unacceptable under each of the technical capability evaluation factors and subfactors. As relevant here, an unacceptable proposal was defined as a proposal "that does not meet the requirements and contains one or more deficiencies."³ Id. at 115. In order to be eligible for award, the RFP stated

² The estimated value of the task order at issue is approximately \$108 million. Given that the value exceeds \$10 million, this procurement is within our jurisdiction to hear protests related to the issuance of task orders under multiple-award IDIQ contracts. 10 U.S.C. § 2304c(e)(1)(B).

³ The solicitation defined a deficiency as "a material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal
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that an offeror's proposal must meet all solicitation requirements. Id. at 112. With regard to the staffing subfactor, offerors were informed that the key personnel resumes would be evaluated for:

1. The degree the resumes demonstrate the Offeror's knowledge and ability to successfully establish and lead a team to meet the requirements of the SOW.
2. The degree the resumes highlight experience and abilities relevant to the proposed position to the PEO IWS acquisition and life cycle support portfolio.

Id. at 117-18.

On July 13, 2015, the agency informed ICI that it had found ICI's proposal to be unacceptable and ineligible for award, since two of ICI's key personnel did not meet the minimum qualifications laid out in the RFP's attachment 3. Specifically, the agency found that the firm's Public Affairs Analyst did not demonstrate experience with DoD acquisition and PPBES processes, and its Administration Analyst did not address experience with Microsoft Office products. AR, exh. 2, Letter from Contracting Officer to ICI, July 13, 2015, attach. 1, Technical Evaluation, at 5.

ICI filed its protest with our Office on July 22.

DISCUSSION

ICI protests the agency's evaluation of its proposal. The protester primarily challenges the evaluation of its key personnel, maintaining that it did, in fact, propose individuals with the required experience, and thus the agency erred in determining that they lacked such experience. ICI also asserts that, even if the agency were correct in determining that its key personnel lacked the qualifications, such a finding should not have rendered its proposal technically unacceptable. Finally, the protester further asserts that the agency failed to properly document its evaluation. We have considered all of the protester's arguments, and find that none provides a basis for us to sustain the protest.

In reviewing protests of alleged improper evaluations, it is not our role to reevaluate proposals; rather, we will examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement laws and regulations. IN2 LLC, B-408099 et al., June 18,

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that increase the risk of unsuccessful contract performance to an unacceptable level." RFP at 115.

2013, 2013 CPD ¶ 149 at 5. An offeror has the burden of submitting an adequately written proposal, and it runs the risk that its proposal will be evaluated unfavorably when it fails to do so. Recon Optical, Inc., B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6. A protester's disagreement with an agency's judgment is not sufficient to establish that an agency acted unreasonably. A&T Systems, Inc., B-410626, Dec. 15, 2014, 2015 CPD ¶ 9 at 3.

We find that the agency's evaluation of ICI's proposal was reasonable. The record establishes that the protester's key personnel resumes failed to demonstrate that they met the minimum requirements. For example, with regard to the public affairs analyst, the record shows that ICI failed to propose an individual with demonstrated DoD acquisition or PPBES experience. AR, Tab 3, Front Office Public Affairs Analyst Resume, at 1-2. While ICI argues that its proposed individual had significant public affairs and Congressional support experience, and that this should have been sufficient for the agency to have found this key person to be acceptable, even if we accept this as true, the information submitted in ICI's proposal did not demonstrate that the individual had any experience specific to DoD.⁴ Similarly, with regard to the administrative analyst, the record is also clear that the information ICI submitted for this key position failed to demonstrate the required experience with Microsoft Office. Id., Administrative Analyst PEO IWS 7.0 Resume, at 1-2. Given this, we find nothing unreasonable about the agency's determination that ICI failed to propose individuals that met the minimum qualification laid out in the RFP and assigned deficiencies in this regard.

The protester also argues that even if the resumes did not demonstrate the required experience, it was improper for the agency to evaluate these individuals' requirements on an acceptable/unacceptable basis, given that the solicitation stated the evaluation of resumes would be based on "the degree" to which they demonstrate the firm's knowledge and ability, and "the degree" to which they highlight abilities and experience. We disagree.

The RFP provided that proposals must meet all solicitation requirements, and that an unacceptable proposal would be a proposal that does not meet the requirements and contains one or more deficiencies. RFP at 115. The RFP also clearly stated that the qualifications for each of the key personnel were viewed as "minimum

⁴ ICI maintains that the requirements for the public affairs analyst are set out in the statement of work (SOW), which does not list DoD acquisition or PPBES processes as part of the "12 specific functions of the position." Protester's Comments at 3. However, these requirements are expressly identified in attachment 3 of the solicitation, which identifies the minimum qualifications per candidate for each of the 22 key positions. To the extent the protester believes the minimum qualifications in attachment 3 were superfluous, it was required to raise that basis of protest prior to the RFP's closing date. See 4 C.F.R. § 21.2(a)(1).

qualifications.” Id., attach. 3. Given this, we find that the agency could reasonably conclude, consistent with the evaluation criteria, that a proposal which failed to meet the key personnel requirements was unacceptable.

The protester also argues that the deficiencies here are minor, and that it was unreasonable for its entire proposal, which it states was comprised of five volumes and over 500 pages of material, to be found unacceptable. We find no merit to ICI’s contention. The volume of information submitted is of no consequence if within that information the offeror cannot demonstrate compliance with the solicitation’s minimum requirements. Where a solicitation states that the qualifications of key personnel will be evaluated, and a proposal fails to demonstrate that key personnel hold qualifications that the solicitation requires them to possess, the proposal may be evaluated as unacceptable. See Computer World Servs. Corp., B-410567.2, B-410567.3, May 29, 2015, 2015 CPD ¶ 172 at 6; For Your Info., Inc., B-278352, Dec. 15, 1997, 97-2 CPD ¶ 164 at 3-4.

Finally, the protester argues that the record demonstrates that the agency failed to properly document its evaluation. ICI’s argument is belied by the record. While the protester would have liked to have received more information regarding the agency’s evaluation, the information provided by the agency in response to this protest adequately documented the agency’s determination that ICI’s proposal was technically unacceptable. Specifically, the agency’s record includes the technical evaluation teams’ evaluation of ICI’s proposed key personnel resumes under the staffing subfactor. AR, exh. 2, Letter from Agency to ICI, July 13, 2015, attach. 1, Technical Evaluation. Given this, we find nothing improper with the agency’s documentation of its evaluation.

The protest is denied.⁵

Susan A. Poling
General Counsel

⁵ The protester asserts that the agency failed to comply with Federal Acquisition Regulation § 16.505(b) because it did not provide ICI with a “fair opportunity” to compete for the order. The protester, however, fails to provide any specific instance of how this FAR regulation was violated. In this regard, the initial protest appeared to assert that ICI was not given the fair opportunity to compete because the agency did not provide it with an opportunity to clarify its proposal, but then, in ICI’s comments, ICI conceded that clarifications were within the agency’s discretion, and that the issue of clarifications was merely an “illustrative example.” Protester’s Comments at 11. Given this, we find nothing improper about the agency’s actions.