



G A O

Accountability * Integrity * Reliability

**Comptroller General
of the United States**

**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: LOGC2, Inc.

File: B-412700.2

Date: May 13, 2016

Forrest Burke, for the protester.

Jonathan D. Shaffer, Esq., and Mary Pat Buckenmeyer, Esq., Smith Pachter McWhorter PLC, for Octo Consulting, an intervenor.

Debra J. Talley, Esq., and Erica Harder Smith, Esq., Department of the Army, for the agency.

Lois Hanshaw, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging an agency's evaluation of the protester's technical proposal and best-value decision is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

LOGC2, Inc., of Huntsville, Alabama, challenges the issuance of a task order¹ to Octo Consulting (Octo), of McLean, Virginia, under request for task order proposals (RFTOP) No. W52P1J-15-R-EI3M, issued by Department of the Army, Army Materiel Command for, among other things, program management and engineering support for the Project Manager Installation Information Infrastructure Communications and Capabilities (PM I3C2) and Product Director Information Infrastructure Modernization Program (PD I3MP) program offices in the Alexandria,

¹ The awarded value of the task order at issue exceeds \$10 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of orders under multiple-award indefinite-delivery, indefinite-quantity (ID/IQ) contracts. 10 U.S.C. § 2304c(e)(1)(B).

Virginia area.² LOGC2 protests the evaluation of its proposal and the agency's source selection decision.

We deny the protest.

BACKGROUND

On March 11, 2015, the agency awarded Enterprise Information Technology Services (EITS) multiple-award ID/IQ contracts to four small businesses, including LOGC2, for enterprise services.³ Agency Report (AR), Tab 15, Source Selection Decision (SSD), at 1.

On October 28, 2015, the agency issued the RFTOP to the small business EITS ID/IQ contract holders.⁴ RFTOP at 1, 2. The solicitation contemplated the award of a fixed-price task order for a 1-year base period and two 12-month option periods on a best-value basis, considering price and a technical factor, with the technical factor being significantly more important than price. Id. at 3, 13.

As relevant here, the technical factor required offerors to address three areas: (1) a program management approach and methodology (program management approach); (2) a plan to recruit, train, retain, and replace personnel (personnel approach); and (3) a quality control plan. Id. at 8-9.

The program management approach required offerors to describe their approach and understanding of the task scope, including, as relevant here, information

² PM I3C2 modernizes and delivers global network infrastructure, technologies, and capabilities worldwide in direct support to the Army, joint warfighters, and other mission and coalition partners. RFTOP at 2. PD I3MP, PM I3C2's subordinate office, is the program executive office's lead for the Army's enterprise voice-over-internet-protocol (VOIP) solution, as well as the lead for real-time communications, including presence, chat, IM (instant messenger) and awareness. Id. I3MP uses commercial off-the-shelf (COTS) products and contract installers to replace antiquated and costly legacy systems with an integrated, state-of-the-art information system capable of passing voice/data/video traffic in the continental United States (CONUS). Id.

³ The other small businesses receiving awards were Octo Consulting; Mission 1st, of Princeton, New Jersey; and Strategy and Management Services, Inc., of Springfield, Virginia. Joint Legal Memorandum/Contracting Officer's (CO) Statement (LM/COS) at 1.

⁴ The RFTOP was subsequently amended on November 5 and 9. As relevant here, the amendments did not change the terms and conditions related to the technical factor and evaluation.

assurance (IA) considerations in a program management office setting. Id. at 8-9. The RFTOP also required offerors to address their technical approach and methodology to meeting the performance work statement (PWS) task area elements given the constraints and other requirements. Id. at 9.

As also relevant here, PWS ¶ 3.5, IA, Certification and Accreditation, required the contractor to provide engineering and IA support personnel to assist the program office in the accreditation process of an existing system, or in the design of a new system, and to ensure that proper security postures exist throughout the system design. RFTOP, PWS at 27. This section also required the contractor to provide an IA team to support the program office with certification and accreditation, network security, security training and awareness, vulnerability assessments, technical integration, and multi-level security. Id. at 27-28. Additionally, PWS ¶ 3.5 required the contractor to ensure that all IA required system documentation was in compliance with current DOD policies, to include DOD Information Assurance Certification and Accreditation Process (DIACAP) requirements. Id. at 28.

With respect to the personnel approach, the RFTOP required offerors to describe the corporation's objective and commitment to maintain each employee's knowledge and skills equivalent to industry market standards and to keep abreast of new technologies. RFTOP at 9.

The solicitation required that proposals be precise, detailed, and complete to clearly and fully demonstrate a thorough knowledge and understanding of the requirements. Id. at 4. Proposals would be evaluated to ensure that offerors provided sufficient information and documentation to demonstrate an understanding of the government's requirements, and offerors would be evaluated to determine their risk or benefits to meeting the government's requirements. Id. at 14. The solicitation also advised that the government would not assume that the offeror possessed any capability, understanding, or commitment not specified in the proposal. Id. at 4.

As relevant here, an offeror's program management approach would be evaluated to determine whether the offeror proposed a complete, logical, well-defined approach with clear methods and procedures to successfully accomplish the requirement with the least risk. Id. at 14. As additionally relevant here, the personnel approach would be evaluated to determine how effectively it would maintain each employee's knowledge and skills equivalent to industry market standards and keep abreast of new technologies. Id. at 15.

The technical proposal would be assigned a combined adjectival/risk rating. Id. at 13. To receive consideration for award, an offeror's technical proposal must have

been rated acceptable or above.⁵ Id. at 14. The government reserved the right to make award based on other than the lowest price or highest technical rating. Id. at 13.

Three proposals were received by the November 13 closing date, including the protester's and awardee's. LM/COS at 2. The agency determined that LOGC2 and Octo's prices were fair and reasonable.⁶ AR, Tab 15, SSD, at 5.

The technical evaluation committee's (TEC) consensus report determined that LOGC2's technical proposal was acceptable based on numerous strengths, four weaknesses, and one significant weakness.⁷ AR, Tab 11, LOGC2 Technical Evaluation Report, at 4, 6, 8. The TEC stated, "[a]lthough the proposal contains a significant weakness in not providing complete details to demonstrate more than a marginally clear understanding of the IA task and other weaknesses (i.e., sub-contractor management plan, training standards, lack of detail on staying abreast of new technologies, and concern that they will support surging on this task order to the detriment of PM P2E [Program Manager Power Projection Enablers]), there are a number of strengths which offset the identified weaknesses and significant weakness. As such, the proposal meets the requirements and indicates an adequate approach and understanding of the requirements." Id. at 8-9.

⁵ The RFTOP advised that proposals would be rated, from highest to lowest, as: outstanding, good, acceptable, marginal, and unacceptable. RFTOP at 14. As relevant here, a proposal with an acceptable rating would meet the requirements and indicate an adequate approach and understanding of the requirements, with risk of unsuccessful performance being no worse than moderate. Id. Additionally, any strengths and weaknesses in such a proposal would be offset or have little or no impact on contract performance. Id. A good rating would reflect a proposal that met the requirements and indicated a thorough approach and understanding of the requirements, with low risk of unsuccessful performance. Id. Such a proposal's strengths would outweigh any weaknesses. Id.

⁶ The third offeror was found to be technically unacceptable and its price was not analyzed for award. AR, Tab 15, SSD, at 5.

⁷ As relevant here, the protester's program management approach received two weaknesses and one significant weakness, while its personnel approach received two weaknesses. AR, Tab 11, Protester's Technical Evaluation Report, at 4, 6. The protester's quality control plan did not receive any weaknesses or significant weaknesses. Id. at 8. Additionally, the source selection was conducted in accordance with Federal Acquisition Regulation (FAR) section 16.505 and Defense Federal Acquisition Regulation Supplement (DFARS) section 216.505. AR, Tab 15, SSD, at 15.

The CO, acting as the source selection authority (SSA), concluded that LOGC2's proposal was acceptable for the technical factor with numerous strengths, four weaknesses, and one significant weakness. AR, Tab 15, SSD, at 8. As relevant here, the CO determined that LOGC2's proposal contained a significant weakness under the program management approach based on its failure to demonstrate a clear understanding of all the requirements of PWS ¶ 3.5, IA, Certification and Accreditation.⁸ Id. at 7. With regard to the personnel approach, the agency determined that the protester's training plan failed to provide details of what standards would be utilized and failed to address specific categories of technologies (e.g., network, wireless, UC (unified capabilities), or video). Id. at 8.

As relevant here, LOGC2's proposal described how the firm would meet PWS ¶ 3.5 (Information Assurance, Certification and Accreditation) and stated that it would "provide certified IA professionals accomplished in certification and accreditation, network security, security training and awareness, vulnerability assessments, technical integration and multi-level security, security policy compliance, joint technical architecture-Army standards and IA training, scheduling and funding considerations." AR, Tab 10C, LOGC2 Proposal, at 8.

For the personnel approach, the protester's proposal states that its "robust" training program met PD I3MP requirements, including PWS requirements, new technologies, IA, training, and security. Id. at 15. The proposal also states that its training includes certifications, new technologies, professional development, and continuing education. Id. at 16. In this regard, the proposal includes a chart outlining the individual training for each of these areas. Id. at 15. The protester's proposal does not specifically mention an industry market standard or whether the training was equivalent to industry market standards.

As relevant here, the final ratings were as follows:

	LOGC2	Octo
Technical Factor	Acceptable	Good
Price	\$27,067,501	\$29,747,590

AR, Tab 15, SSD, at 5.

After the evaluation of proposals, the agency selected Octo as offering the best value. Id. at 9. In this regard, the SSA compared LOGC2's and the awardee's

⁸ In assessing the significant weakness, the agency also noted that the protester did not demonstrate an understanding of the processes to achieve DIACAP/ Risk Management Framework (RMF) or provide information on its understanding of the IA support role. AR, Tab 15, SSD, at 7.

proposals and concluded that Octo's higher-rated technical proposal showed a thorough approach and understanding of the requirements with a low risk of unsuccessful performance that justified the payment of the 9% price premium. AR, Tab 15, SSD, at 5-8.

On January 26, 2016, the protester was notified of award. After requesting and receiving a debriefing, this protest was timely filed with our Office.

DISCUSSION

The protester challenges the evaluation of its proposal and the agency's best-value decision.

In reviewing protests of an agency's evaluation, our Office does not reevaluate proposals, rather, we review the record to determine if the evaluation was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. Silverback7, Inc., B-408053.2, B-408053.3, Aug. 26, 2013, 2013 CPD ¶ 216 at 3.

The gravamen of the protester's challenges to the technical evaluation is that the agency's evaluation either deviated from the stated criteria or was unreasonable in some way. While our decision here does not specifically discuss every argument the protester raises, we have considered all of LOGC2's assertions and find none furnishes a basis for sustaining the protest.

For example, the protester claims that the agency relied on unstated evaluation criteria in assessing a significant weakness for the protester's understanding of the IA support role, and that it failed to recognize that LOGC2's proposal clearly addressed that aspect of the requirement by stating that it was providing IA and certification and accreditation support across PM I3MP.⁹ Protest at 10; Comments

⁹ The protester also challenges the agency's additional bases for assessing the significant weakness. For example, the protester argued that the agency improperly assessed the significant weakness because its proposal--contrary to the agency's conclusion--demonstrated an understanding of the Army's current DIACAP and RMF processes. Protest at 10. The agency report addressed this protest ground, but the protester failed to provide a response thereto in its comments. Accordingly, we view this ground as abandoned. Emergint Techs., Inc., B-408410.3, Apr. 4, 2014, 2014 CPD ¶ 123 at 5 n.4. Additionally, we find unavailing the protester's contention that the significant weakness was unwarranted because LOGC2 addressed the requirements for certified IA professionals, as required by PWS ¶¶ 1.8.3.8, IA/Information Technology (IT) Training, and 1.8.3.9, IA/IT Certification. The record shows that both the TEC report and the SSD stated that this portion of the significant weakness was assessed based on the protester's

(continued...)

at 5. Essentially, the protester is arguing that the agency should have found the protester qualified to perform the IA support for this requirement based on the protester's performance of IA support for other requirements. This argument, and proposed approach, does not meet the RFTOP requirement for proposals to show a complete, logical, and well-defined technical approach and methodology to meeting the PWS task. RFTOP at 14. Additionally, offerors were advised to provide a precise, detailed, and complete proposal showing thorough knowledge and understanding of the requirements because the government would not assume the offeror possessed capabilities not specified in the proposal. *Id.* at 4. Here, the TEC report and SSD both found that the protester's proposal failed to provide a clear understanding of all of the requirements of PWS ¶ 3.5. *See* AR, Tab 11, TEC Report at 4; Tab 15, SSD, at 7. Accordingly, we find the agency's evaluation unobjectionable.

As another example, the protester contends that the agency's evaluation of its personnel approach not only applied unstated evaluation criteria, but also was "egregiously" inconsistent with the stated evaluation criteria. Protest at 7. Specifically, the protester contends that rather than evaluating the proposal for each employee's knowledge and skills equivalent to market industry standards and keeping abreast of new technologies, the agency required offerors to detail the specific standards and categories of technologies to be used. *Id.* The agency asserts that the protester's proposal not only failed to identify the standard(s) to which training would be accomplished, as required by the solicitation, but that it also lacked details necessary for the agency to determine the effectiveness of the protester's efforts. LM/COS at 10.

Based on our review of the record, we agree with the agency. The RFTOP provided for evaluating an offeror based on how effectively it would maintain each employee's knowledge and skills equivalent to industry market standards and to keep abreast of new technologies. RFTOP at 9, 15. The record shows that the protester listed trainings dealing with PD I3MP requirements, corporate orientation, professional development, and continuing education without mention of any industry market standard, as required by the RFTOP. Additionally, we have no basis to challenge the agency's conclusion that the protester's mention of new technologies, "without any clarification or specific examples" prevented the agency from determining the effectiveness of these efforts.¹⁰ *See* LM/COS at 10.

(...continued)

response to PWS ¶ 3.5 (IA, Certification and Accreditation), not PWS ¶¶ 1.8.3.8 (IA/IT Training) and 1.8.3.9 (IA/IT Certification).

¹⁰ To the extent the protester contends that the agency's evaluation was flawed because the solicitation did not require offerors to define the general standard or technology at issue, we view this as an untimely challenge to the terms of the

(continued...)

In sum, we find no basis to question the agency's evaluation of LOGC2's technical proposal, and the protester's allegations to the contrary, without more, reflect only its disagreement. Unisys Corp., B-406326 et. al., Apr. 18, 2012, 2012 CPD ¶ 153 at 8.

Finally, the protester contends that the agency's best-value decision was flawed based on its assertion that the underlying weaknesses and significant weakness were improperly assessed. Protest at 10. Based on our conclusions above, we find no merit to this argument. Additionally, the record shows that the SSD provided a well-reasoned basis for a tradeoff that identified discriminators between the proposals and justified paying Octo's higher price.

The protest is denied.

Susan A. Poling
General Counsel

(...continued)

solicitation that should have been raised prior to the closing date set for receipt of proposals. See 4 C.F.R. § 21.2(a)(1).