



Decision

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Matter of: CompQsoft, Inc

File: B-414426

Date: June 12, 2017

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DIGEST

Protester’s challenge of the evaluation of its proposal is denied where the record shows that the evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

CompQsoft, Inc., of Houston, Texas, protests the issuance of a task order to InSap Services, Inc., of Marlton, New Jersey, under request for task order proposals (RFTOP) No. UNAWRD-16-R-SUST, issued by the Department of the Army, Army Contracting Command, Rock Island, for Army Enterprise Systems Integration Program Hub application sustainment. The protester challenges the agency’s evaluation of its proposal and the source selection decision.

We deny the protest.

BACKGROUND

The RFTOP was issued on October 21, 2016, to Army Enterprise Resource Planning Services Small Business indefinite-delivery, indefinite-quantity contract holders, and contemplated the issuance of a fixed-price task order with a 12-month base period and

four 12-month option periods.¹ Agency Report (AR) at 1. The order was to be issued on a best-value basis, considering technical approach and price factors. AR, Tab 6, Instructions for Proposal Submission and Evaluation Criteria, at 10-11. The RFTOP provided that the technical approach factor was significantly more important than the price factor, and advised that an offeror must receive a rating of no less than acceptable under the technical approach factor in order to be considered for award. Id. at 9, 11.

As relevant here, under the technical approach factor, the RFTOP required offerors to provide a complete and detailed description of their approaches to supporting the performance work statement (PWS). Id. at 2. At a minimum, offerors were to: (1) provide key personnel resumes and a resource list that demonstrate the ability to meet requirements in section 4.1 of the PWS; and (2) demonstrate the ability to staff a complete and qualified team with certain qualifications and availability based on the resource list.² Id.

Prior to the time for submission of proposals, the agency engaged in three rounds of questions and answers with potential offerors. AR at 3. Subsequently, the agency received ten timely proposals in response to the RFTOP, and the proposals were evaluated by a technical evaluation team (TET) and a pricing team. Id. The TET assigned two significant weaknesses and one weakness to CompQsoft's proposal under the technical approach factor, which resulted in an overall technical approach rating of marginal. Id. The results of the evaluation, for the protester and the awardee, were as follows:

	CompQsoft, Inc.	InSap Services, Inc.
Technical Approach	Marginal	Good
Price	\$30,083,624	\$38,563,772

AR, at 4.³

¹ The awarded value of the task order exceeds \$25 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of task orders under multiple-award indefinite-delivery, indefinite-quantity contracts. See 10 U.S.C. § 2304c(e)(1)(B).

² The resource list identifies and describes the qualifications for the required resources, including key personnel. AR at 5. Among other things, the resource list indicated that the Advanced Business Application Planning (ABAP) Support Lead was required to have a bachelor's degree. AR, Tab 7, Resource List, at 1.

³ Possible ratings for the technical factor were outstanding, good, acceptable, marginal, and unacceptable. AR, Tab 6, Instructions for Proposal Submission and Evaluation Criteria, at 9-10. The RFTOP established that a marginal rating would be assigned to a proposal that did not demonstrate an adequate approach and understanding of the requirements, and/or had a high risk of unsuccessful performance. Id.

The Task Order Determining Official (TODO), concurred with the TET's findings and ratings, and determined InSap's proposal to be the best value. AR, Tab 18, Task Order Decision Document (TODD), at 22. The agency informed CompQsoft that it was the unsuccessful offeror on February 17, 2017, and provided both written and oral debriefings, that concluded on February 24. AR at 4. This protest followed on March 6.

DISCUSSION

CompQsoft challenges the agency's assignment of two significant weaknesses, one weakness, and no strengths to its proposal, and contends that, had the agency properly evaluated its proposal, the proposal would have represented the best value to the government. While we only address the protester's principal contentions in this decision, we have considered all of the protester's arguments and conclude that none provide a basis to sustain the protest.⁴

The evaluation of offerors' technical proposals, including the determination of the relative merits of proposals, is primarily a matter within the contracting agency's discretion, since the agency is responsible for defining its needs and the best method of accommodating them. IndraSoft, Inc., B-414026, B-414026.2, January 23, 2017, 2017 CPD ¶ 30 at 6. In reviewing protests challenging the evaluation of proposals in a task order competition, we do not conduct a new evaluation or substitute our judgment for that of the agency but examine the record to determine whether the agency's judgment was reasonable and in accord with the evaluation criteria. Id.

CompQsoft first challenges the assignment of a significant weakness to its proposal based on the finding that it failed to demonstrate the ability to staff a complete and qualified team. Comments at 3. The TET's finding in this regard was as follows:

CompQsoft's proposal failed to demonstrate the ability to staff a complete and qualified team as CompQsoft omitted 23 of 27 resource positions. Without the resource information requested the [g]overnment cannot conclude CompQsoft's ability to resource a team that possesses [r]equired [q]ualifications, [i]nformation technology [l]evel, and [d]esired [s]pecialized [c]ertifications/[t]raining, and availability per the [r]esource [l]ist. This appreciably increases the risk of unsuccessful contract performance.

AR, Tab 18, TODD, at 5.

⁴ For example, the protester argues that the agency assigned two significant weaknesses for the same thing. Comments at 8. We disagree and find that the first significant weakness, which focused on the lack of information provided by the protester regarding non-key personnel in the resource list, is easily distinguished from the second, which faulted CompQsoft for its approach, which included [DELETED].

According to CompQsoft, the assignment of a significant weakness here was unreasonable because offerors were not required to provide names of the personnel who would staff the 23 resource positions cited by the agency. Comments at 7. On this point, the protester and the agency agree--the solicitation informed offerors that they were not required to supply the names of individuals proposed to fill each non-key personnel position.⁵ The agency's rationale for the significant weakness, however, was the overall lack of information regarding CompQsoft's proposed staffing, rather than simply the absence of names.

While the solicitation did not require offerors to name each individual proposed for each resource position in column M of the resource list, the solicitation did not exempt offerors from the requirement to provide other information about proposed personnel in columns N-Q. See AR, Tab 11, Questions and Answers 2, at 1. This included information regarding whether resource positions would be staffed by: (1) a current employee; (2) an individual employed by the prime contractor or subcontractor; and/or (3) a contingency hire. AR, Tab 7, Resource List. Additionally, column Q required contractors to provide "desired qualifications, specialized certifications/training possessed" for each position." Id.

The protester argues that it would be impossible to provide such information. We disagree. The agency provided information about each position in the resource list, including the project role, labor category, responsibilities, and required qualifications for the key and non-key personnel. Id. Although CompQsoft may not have been able to name the individuals it intended to use to fill each position, it could have included information related to its plan to use, for example, a current employee or contingent hire. Further, the protester could have also provided information about the "desired qualifications" of the individuals it intended to use to perform each role. Instead, the protester left all of the fields for non-key personnel blank.

⁵ CompQsoft bases its argument on the following exchange, which occurred during questions and answers and was incorporated into the solicitation:

7. Are we required to name ALL proposed positions? If yes, then how are we to account for incumbent capture following contract award as we will be unable to provide names for those personnel?

RESPONSE: Column M (Resource Name) on the [r]esource [l]ist at Attachment 0003 should be filled-in only "if available". The Government does not expect a name for every resource and understands a pool of candidates may be sourced as incumbent capture. This is best effort and not practical nor intended to have a named resource for every position in response to this proposal.

AR, Tab 11, Questions and Answers 2, at 1.

As the protester explains, the solicitation instructed offerors to “provide resumes of [k]ey [p]ersonnel and between the resumes and the [r]esource [l]ist, demonstrate the ability to meet the requirements of the PWS.” Comments at 3. Here, the protester provided no information about non-key personnel in its resource list, which hampered the agency’s ability to conclude that CompQsoft had the ability to staff a qualified team. Offerors are responsible for submitting a well-written proposal with adequately-detailed information that allows for a meaningful review by the procuring agency. Bowhead Science and Technology, LLC, B-409871, August 26, 2014, 2014 CPD ¶ 248 at 4. Here, the protester failed to provide adequate information in its proposal, and we have no basis to find the agency’s assignment of a significant weakness unreasonable.

CompQsoft next argues that it was unreasonable for the agency to assign a significant weakness to its proposal based on its failure to have an entire team in place at the time of proposal submission. Comments at 5. In this regard, the protester argues that the solicitation only required full staffing at the time of performance. Comments at 6. The protester’s argument oversimplifies and mischaracterizes the agency’s rationale for the second finding of significant weakness, which was as follows:

CompQsoft failed to demonstrate an understanding of the requirement by not proposing the [sic] other than [k]ey [p]ersonnel. The Offeror’s proposal states on page A-4 that “[DELETED].” However, without having a proposed team in place, the [o]fferor does not demonstrate a clear understanding of this solicitation or Army business processes for tasks outlined in the PWS. This flawed approach does not give the [g]overnment confidence that the [o]fferor has the ability to recruit, retain, or replace non-key personnel on the [r]esource [l]ist if they cannot fill all project resources in a proposal. The risk of the [o]fferor not being able to fully staff a qualified team for a timely transition from the incumbent is high and appreciably increases the risk of unsuccessful contract performance.

AR, Tab 18, TODD, at 5-6.

Here, the basis for the significant weakness was the protester’s failure to propose an approach that adequately demonstrated its ability to provide the required staffing in a timely fashion. In this regard, the TET expressed concerns because, among other things, the protester did not intend to begin recruiting incumbent staff until task order award. While the protester construes this to mean that the agency expected it to have a full staff on its payroll at the time of proposal submission, we disagree. For example, the protester could have proposed to recruit incumbent employees prior to task order award and/or to fill at least some non-key positions with contingent hires from the incumbent pool.

Instead, CompQsoft’s proposal primarily relied on a description of its plans for [DELETED] recruitment as well as a description of its past success rate for incumbent capture. While CompQsoft argues that this information should have been sufficient to

demonstrate its staffing ability, the protester's argument amounts to nothing more than disagreement with the agency's conclusion that CompQsoft's approach "does not give the government confidence" that the offeror will be able to recruit, retain, or replace non-key personnel on the resource list, or "fully staff a qualified team for a timely transition." AR, Tab 18, TODD, at 5-6. A protester's disagreement with an agency's judgment, without more, however, is not sufficient to establish that an agency acted unreasonably. IndraSoft, Inc., supra. We have no basis to conclude that the agency's assignment of a significant weakness based on the protester's proposed approach was unreasonable.

The protester next challenges a weakness assigned to its proposal because its proposed ABAP support lead did not have a bachelor's degree, as required by the RFTOP. Comments at 9. The protester does not dispute that its proposed ABAP support lead lacked the requisite education. Instead, the protester argues that its proposed ABAP support lead, as well as its other proposed key-personnel, possessed experience and qualifications that exceeded the solicitation's requirements. According to the protester, fairness dictates that because the agency assigned a weakness because its ABAP support lead did not have a bachelor's degree, the agency should have assigned strengths for instances in which the proposed personnel exceeded requirements such as, for example, years of experience. Comments at 9-10.

With regard to the weakness assigned to CompQsoft's proposal, it was clearly reasonable for the TET to assign a weakness for CompQsoft's failure to propose an individual who met the minimum requirements of the solicitation. Additionally, to the extent the protester argues its proposal merited strengths based on features that exceeded the solicitation's requirements, the protester's argument amounts to nothing more than disagreement with the agency's judgment that those aspects of its proposal did not merit strengths. As discussed above, a protester's disagreement is not sufficient to establish that an agency acted unreasonably.

Finally, the protester challenges the agency's best-value tradeoff. The protester's arguments, however, are based on the premise that the agency's evaluation of its proposal was flawed. As discussed above, we have no basis to conclude that the agency's evaluation of CompQsoft's proposal was unreasonable. As such, we need not further consider the protester's argument.

The protest is denied.

Susan A. Poling
General Counsel