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Decision

Matter of: Career Quest, Inc.

File: B-292865; B-292865.2

Date: December 10, 2003

Darcy V. Hennessy, Esq., and Leslie Anne Bailey, Esq., Moore Hennessy & Freeman, for the protester.
Catherine G. Powers, Esq., Social Security Administration, for the agency.
Paul E. Jordan, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. In evaluation under experience factor, where offerors were to establish similarity of prior contract to solicited requirement and sufficient experience of their own, agency reasonably found protester's proposal unacceptable on basis that its experience as a prime contractor was limited to work not comparable to the requirement and otherwise indicated that the protester's relevant experience was essentially limited to its subcontractor's experience.

2. In evaluation of offerors' proposals, where agency found that one offeror's experience as a prime contractor met requirements for similarity in size, scope, complexity and relevance to the solicited requirements, but concluded that protester's experience as a prime was not sufficiently comparable to solicitation requirements, agency did not engage in unequal treatment of offerors, since record supports finding that the different conclusions were reasonable.

DECISION

Career Quest, Inc. protests the elimination of its proposal from the competition under request for proposals (RFP) No. SSA-RFP-03-0523, issued by the Social Security Administration (SSA) for clerical support services. Career Quest challenges the agency's evaluation of the technical proposals.

We deny the protest.

The RFP, a section 8(a) set-aside, sought proposals to provide clerical services in support of SSA's Megasite Folder Storage Facility in Baltimore, Maryland. The Megasite master files area is designed to house approximately 4.7 million folders,

and the successful offeror will be responsible for providing all services necessary to the operation of the Megasite, including refiling, dropfiling, folder retrieval, preparation of temporary folders, validation, sequencing, and folder inactivation services. The RFP contemplated the award of a fixed-price requirements contract for a base year, with 4 option years.

Proposals were to be evaluated on the basis of four factors--technical acceptability, experience, past performance, and price. The technical acceptability evaluation was to include a review of each offeror's management plan and staffing proposal to determine whether the offeror had the resources, equipment, personnel and expertise to perform the required services. Experience was to be evaluated on the basis of how an offeror's experience at a federal or state agency, or commercial corporation compared in size, scope, complexity and relevance to the current requirements--management and operation of a major files storage facility housing 3 to 5 million files, with a staff of at least 150, and requiring a high volume of file transfers at multiple external sites on a daily basis. To demonstrate experience, offerors were to submit a narrative description of at least two prior contracts that demonstrated experience performing work of complexity and size similar to that in the statement of work (SOW). The information had to be sufficient to convince the agency that the prior work met the similarity requirement, and the RFP warned that it was not enough to merely state that the work was sufficiently similar. Technical acceptability and experience were considered equal in importance and were the most important factors. The past performance and price factors were of equal importance, and less important than the first two factors. Only proposals found acceptable under both the technical acceptability and experience factors were to be evaluated under the remaining factors.

Thirteen offerors, including Career Quest, [deleted], submitted proposals, which were evaluated by the technical evaluation committee (TEC). The TEC evaluated [deleted], and a third offeror's proposal as "acceptable with clarifications," but evaluated Career Quest's proposal as unacceptable for lack of corporate experience performing contracts comparable in size, scope, and complexity to the current procurement. The contracting officer eliminated Career Quest's proposal from the competitive range.

EVALUATION OF CAREER QUEST'S PROPOSAL

Career Quest asserts that the agency's evaluation of its proposal was flawed, specifically, that it had experience as a prime contractor that was sufficient to warrant an acceptable rating.

In reviewing a protest of an agency's proposal evaluation, it is not our role to reevaluate proposals. Rather, we will consider only whether the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. CWIS, LLC, B-287521, July 2, 2001, 2001 CPD ¶ 119 at 2.

The evaluation here was unobjectionable. While Career Quest submitted the required information on two contracts, the agency found that the information provided did not establish that its experience was sufficiently similar. In this regard, for the first contract, Career Quest stated that it had performed project management as a subcontractor to [deleted] on an [deleted] contract that required coding, indexing, and scanning millions of separate documents, each with a separate barcode, "much like the folders stored at the Megasite." Experience/Past Performance Proposal at 2. It stated further that the work involved some packaging and marking similar to the inactivation task at the Megasite, id., and likened this work to that at the Megasite. However, the agency concluded that this contract did not constitute similar experience, reasoning that merely processing millions of separate documents was not sufficiently similar to managing and operating a major file facility housing more than 4 million files (each of which, the agency indicates, would contain a number of separate documents), which will involve different management and file management tasks. Agency Report (AR) at 7. We find no basis for questioning the agency's conclusion; the efforts appear to involve different tasks and responsibilities, and Career Quest has not established otherwise.[1]

The agency also found that Career Quest's proposal failed to provide specific information describing the staffing levels or workload volumes to establish its experience performing work requiring a staff of at least 150 people. AR at 7; AR, Tab 12, at 6. In this regard, Career Quest's second listed contract involved training hundreds of support staff to work at [deleted], many of whom were promoted to supervisory positions, and who created, filed, retrieved and/or disposed of millions of reservation files working for [deleted]. Experience/Past Performance Proposal at 3. Again, we find no basis to question the agency's conclusion; we think the agency reasonably could determine that training hundreds of personnel to handle reservations for another employer is materially different from the requirement to manage more than 100 personnel in performing the file management work called for in the RFP. Again, the protester has not established otherwise.

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[1] Career Quest also challenges the agency's reference to an alleged inconsistency in its proposal regarding its ability to "do more with less," while at the same time apparently proposing more staff than is currently used on the incumbent contract. Protest at 7. While the TEC mentioned this apparent inconsistency, as well as one concerning the protester's quality control record, it is clear from the evaluation record that the TEC's sole reason for finding the proposal unacceptable was Career Quest's lack of any relevant corporate experience. Agency Report, Tab 12, at 6. Since the alleged inconsistencies had no apparent impact on the agency's competitive range decision, this decision will not address the merits of these matters.

Career Quest asserts that the agency improperly failed to consider the experience of its proposed subcontractor, noting that the RFP specifically provided that the agency "will consider the experience of both the prime and any proposed subcontractors." RFP, Addendum I, at I-2(b). In this regard, it notes that its subcontractor, [deleted], is the incumbent firm for this requirement.

Again, there is nothing objectionable in the evaluation. The record shows that the agency in fact considered all of Career Quest's and [deleted]'s experience in the evaluation, and that it assigned strengths to Career Quest based on its association with its subcontractor, and that firm's experience with a similar operation and continuity of service. AR, Tab 12, at 6. However, as discussed above, Career Quest was downgraded due to the lack of its own similar experience. In this regard, the RFP specifically warned joint arrangement offerors (such as Career Quest) that their proposals must clearly demonstrate that the section 8(a) prime contractor had sufficient experience and resources of its own, and was not relying solely on the subcontractor to provide the expertise and/or resources. RFP Addendum H at H-1(b)(12)(b). Since Career Quest, the proposed prime contractor, failed to provide information establishing that it possessed similar experience, as discussed above, we have no basis for questioning the agency's determination that Career Quest was unacceptable under the experience factor, and its decision to eliminate Career Quest's proposal from the competitive range.

Career Quest notes that the former [deleted] management team, all of whom had submitted letters of commitment, as well as some of [deleted]'s clerks, would be working for Career Quest, and asserts that the agency improperly failed to credit their experience to the firm. This argument is without merit. The agency did consider the proposed personnel's experience, but discounted it as a substitute for prime contractor experience, observing that all of the proposed management personnel were currently employed by [deleted]; none was a current Career Quest employee. Contracting Officer's Statement at 3. In the TEC's view, in proposing to "roll over" [deleted]'s supervisory personnel to Career Quest "on paper," Career Quest was leaving [deleted] "primarily in charge of getting the work done." AR, Tab 12, at 6. We find nothing unreasonable in this conclusion. Career Quest further asserts that the agency should have considered the experience of its proposed Project Coordinator, a current Career Quest employee who was the former project manager for SSA's National Records Center. However, the agency did not give this individual's experience any weight in the evaluation because he was not included on the organizational chart in Career Quest's proposal, and was found not to have a clearly defined role in performance of the contract. AR at 7 n.3. In this regard, Career Quest's proposal stated only that that the Coordinator would travel to Baltimore "on a regular basis to meet with . . . project personnel and the SSA Project Officer" (Proposal at 11), and that its corporate offices would serve as a check and balance to the on-site project management team (Proposal at 9). Given the absence from the proposal of any information establishing that the project coordinator would

be involved in the day-to-day management of the contract, it was reasonable for the agency not to credit the firm with his experience.

EVALUATION OF OTHER PROPOSALS

Career Quest asserts that the agency evaluated its proposal unfairly in comparison to three other proposals. Specifically, it maintains that [deleted], one of the offerors retained in the competitive range, had experience and teaming arrangements similar to its own.

This argument has no merit. In evaluating [deleted]'s proposal, the agency identified weaknesses regarding the proposed project manager's and assistant project manager's lack of experience and the fact that they currently were not on the firm's team; its lack of clarity as to the comparability to the requirement of its prior document management experience; its failure to clearly state the roles of its proposed subcontractors; and its identification of some experience, which included subcontractors who were not proposed to work on this requirement. AR, Tab 12, at 3. While Career Quest asserts that these criticisms are similar to those raised against its proposal, we agree with the agency that they are clearly distinguishable. The driving criticism in the evaluation of Career Quest's proposal was the lack of its own relevant experience and the firm's reliance solely on its subcontractor's and its proposed management team's experience to meet the requirement. In contrast, although the TEC needed to clarify the scope of [deleted]'s experience, the firm was found to have prime contractor experience that was "somewhat similar" to that sought by the RFP under three contracts, two of which involved work with records at the National Archives and Records Administration and the National Library of Medicine. AR, Tab 12, at 3. In addition, while the only strengths identified for Career Quest's proposal related to its proposed subcontractor, the TEC evaluation found several strengths associated with [deleted]'s proposal--a clear understanding of the SOW requirements; good quality control and transition plans; and identification of staffing breakdowns for workloads and by year. Id. Thus, we find nothing unreasonable in the agency's determination to seek clarifications from [deleted], while at the same time eliminating Career Quest's proposal from the competitive range as unacceptable.

As to a second offeror, [deleted], Career Quest asserts that the agency's evaluation of its proposal here was inconsistent with its evaluation under a similar procurement conducted 2 years ago for the SSA's National Records Center (NRC), where both firms' proposals were found acceptable.[2] This argument is without merit. How

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[2] Career Quest also challenged the evaluation of its experience as compared to that of a third offeror. However, that offeror's proposal was subsequently eliminated from the competitive range. Accordingly, we do not address the evaluation of that proposal.

offerors' proposals were evaluated in the NRC procurement is not relevant to this procurement and does not establish unequal treatment. Each federal procurement stands on its own; the agency's determination of technical acceptability under a prior procurement does not require it to find a proposal acceptable under a separate procurement. Sabreliner Corp., B-275163 et al., Dec. 31, 1996, 96-2 CPD ¶ 244 at 2 n.2.

The protest is denied.

Anthony H. Gamboa
General Counsel