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Decision

Matter of: Harmonia Holdings Group, LLC

File: B-419488.4

Date: July 21, 2021

Jon D. Levin, Esq., and Emily Chancey, Esq., Maynard Cooper & Gale, PC, for the protester.

Alexander J. Brittin, Esq., Brittin Law Group, PLLC, for Halvik, Inc., the intervenor. Colonel Patricia S. Wiegman-Lenz, Erika Whelan Retta, Esq., Matthew W. Haynes, Esq., Major Allison K.W. Johnson, and Major Brian Shust, Department of the Air Force, for the agency.

Hannah G. Barnes, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the exclusion of protester's proposal from the competitive range is denied where record shows that the agency's evaluation was reasonable and consistent with the solicitation's evaluation criteria.

DECISION

Harmonia Holdings Group, LLC, a woman-owned small business of Blacksburg, Virginia, protests the elimination of its proposal from the competitive range under request for proposals (RFP) No. 342275, issued by the United States Special Operations Command (USSOCOM), for information technology services. The protester argues that the agency unreasonably evaluated its proposal and improperly eliminated the proposal from the competitive range.

We deny the protest.

BACKGROUND

The solicitation was issued on October 2, 2020, under the procedures of Federal Acquisition Regulation subpart 16.5 to holders of the Department of the Army's Computer Hardware Enterprise Software and Solutions (CHESS) Information Technology Enterprise Solutions-3 Services (ITES-3S) governmentwide multiple-award, indefinite-delivery, indefinite-quantity (IDIQ) contract. The solicitation contemplated the issuance of a task order to provide enterprise knowledge management (EKM)

operations support services¹ in multiple locations within USSOCOM. AR, Tab 9, Instructions to Offerors at 1-2. The solicitation advised that the task order would be performed over a 13-month base period with four 1-year option periods. *Id.* at 2. The solicitation was amended seven times; as relevant here, the second amendment included the final instructions to offerors and statement of work. Contracting Officer's Statement (COS) at 2.

The solicitation provided for award on a best-value tradeoff basis, considering two evaluation factors; namely, a proposal's task order management plan and its task order price plan, which were to be submitted in separate volumes. AR, Tab 9, Instructions to Offerors at 2-3, 11. The task order management plan was to be evaluated under three subfactors: transition plan, staffing plan, and issue management and reporting. *Id.* at 3-5.

As relevant here, under the transition plan subfactor, the solicitation required the following:

2.1.1: Provide the schedule to achieve [f]ull [o]perational [c]apability (FOC) on time. Include a timeline with milestones from proposal submission to FOC, covering at a minimum the milestones required by Table 2 in Section 6.2 of the SOW.

AR, Tab 9, Instructions to Offerors at 4. Table 2, addressing the requirements for transition planning, identified six milestones, two of which are relevant here. SOW at 26. The solicitation advised offerors, first, of a kickoff meeting with the agency, to take place "[n]o later than (NLT) one business day after start of transition period, [which begins on the date of award]," and second, of a requirement that incumbents and new hires be accepted into the Joint Personnel Adjudication System (JPAS), a security clearance and access database, "NLT 25 calendar days after start of transition period." *Id.* The RFP directed the successful contractor to attend the kickoff meeting, provide presentation materials, and document the meeting by keeping minutes. *Id.*

The solicitation stated that the transition plan subfactor would be evaluated in the following manner:

3.1.1: The Government will evaluate the degree to which the proposed milestones and timeline support SOW requirements for assumption of the work and achievement of [full operational capability]. A plan that includes internally initiated and redundant course of actions to minimize workforce

¹ The solicitation explains that these EKM services are intended to facilitate effective organizational decision-making, and defines these operations as "the integration of people, processes, and technology, to facilitate the exchange of operationally relevant information and expertise to increase organization performance." Agency Report (AR), Tab 10, Statement of Work (SOW) at 7.

turbulence and maximize coordination for assumption of work may be more favorably evaluated.

AR, Tab 9, Instructions to Offerors at 6.

The solicitation informed offerors that a proposal that “does not meet requirements of the solicitation, and thus, contains one or more deficiencies” would be rated unacceptable; that an unacceptable rating for any technical subfactor would render the entire proposal unawardable; and that a proposal with this rating would be eliminated from the competition. *Id.* at 5.

Harmonia submitted a proposal by the November 2, 2020 due date. A technical evaluation team and source selection evaluation board evaluated Harmonia’s proposal and assigned it a deficiency under the transition plan subfactor for failing to meet the solicitation milestones for the kickoff meeting and for the JPAS acceptance requirement. AR, Tab 18, Source Selection Evaluation Board Report at 8-9. Specifically, the evaluators stated that for the JPAS requirement, “waiting to start on day 25 presents a significant burden to the Government in trying to push through all requests in a short period of time.” *Id.*

The evaluators also assessed one weakness and one significant weakness under the staffing plan subfactor. AR, 17, Technical Evaluation Team Consensus Report at 1. The protester’s proposal was rated marginal under the staffing plan subfactor, acceptable under the issue management and reporting subfactor, and unacceptable under the transition plan subfactor. *Id.* In its competitive range determination, the agency concluded that the unacceptable rating under the transition plan subfactor made the proposal ineligible for award. AR, Tab 19, Competitive Range Determination at 23.

On December 18, the contracting officer notified the protester that its proposal had been excluded from the competition. COS at 9. The same day, the protester requested a pre-award debriefing; instead, the agency provided a post-award debriefing, on April 22, 2021. *Id.* On April 27, this protest followed.²

DISCUSSION

Harmonia challenges various aspects of the agency’s technical evaluation and alleges that the decision to exclude Harmonia’s proposal from the competitive range was unreasonable. Specifically, the protester challenges as unreasonable both the agency’s decision to assign its proposal a deficiency under the transition plan subfactor, and weaknesses under the staffing plan subfactor. Protest at 8-12. Because Harmonia is challenging its exclusion from the competitive range, and because we agree with the

² The task order, issued under the CHESSE ITES-3S IDIQ contract, has an expected value of \$80 million, and it is therefore within our jurisdiction to review protests of task orders placed under Department of Defense multiple-award IDIQ contracts valued in excess of \$25 million. 10 U.S.C. § 2304c(e)(1)(B).

agency's assessment, we need only address Harmonia's arguments in this area. See COS at 9; Memorandum of Law (MOL) at 14.

Harmonia contends that the agency misinterpreted its proposal with respect to the kickoff meeting and its proposed timeline for JPAS submissions. Protest at 8-9. Harmonia argues that its proposal stated that the protester's task manager would "immediately after contract award" meet with the agency to coordinate the kickoff meeting, and that the word "immediately" reasonably means the meeting would occur on the first day. *Id.* at 8. Harmonia also asserts that the agency, not the awardee, was required to schedule the meeting. *Id.* at 9.

The agency responds that in order to determine what "immediately" meant, it looked to the portion of Harmonia's proposal detailing the projected milestone schedule. In this regard, the table provided in the protester's proposal showed the kickoff meeting occurring five days after award, rather than one day after award. MOL at 13. The agency contends that Harmonia was required to show in its proposal that it would hold the meeting on the first day of the transition, but did not do so. The agency asserts that this failure to meet a minimum milestone solicitation requirement rendered the proposal unawardable. *Id.* at 14.

The protester responds that the agency is misreading its milestones chart, which contains blue and green diamonds that respectively represent tasks and milestones. Comments at 2. The protester argues that "tasks reflected activities that Harmonia would do on that day, while milestones reflected the completion of an activity."³ *Id.* The protester contends that it proposed to initiate meetings with the agency's contracting officer representative, a blue diamond task, on day one, and asserts that it depicted the kickoff meeting as a green milestone on day five because Harmonia believed that it would take the agency longer than one day to schedule the kickoff meeting and make agency representatives available to meet. *Id.* at 2-3; see AR, Tab 16, Harmonia Volume I at 8.

With respect to entering contractor information into the JPAS security clearance system, Harmonia argues that it proposed to complete this task "**no later than 25 days** after the transition period began." *Id.* The protester also asserts that its proposal explained that the proposed facility security officer would submit new "Visitor Access Requests (VAR) via JPAS (within 10 days of transition period start or as hired)," suggesting that the security clearance process would begin prior to day 25. *Id.*; AR, Tab 16, Harmonia Volume I at 13.

In response, the agency asserts that the proposal's milestones table displays a milestone icon, labeled "Accept Incumbent/New Hire in JPAS," on day 25. MOL at 15;

³ We note that in the chart, and the information addressing the chart that was submitted to our Office as part of the protest record, there is neither an explicit differentiation between tasks and milestones nor a clear definition of the type that Harmonia provided in its comments.

AR, Tab 16, Harmonia Volume I at 8. The agency asserts that there is “no indication on the table that the activity was to start on an earlier day. . . . The table only shows the milestone on Day 25.” *Id.* The agency adds that this is “in contrast to other activities displayed on the table that have milestone or task icons and then black lines and dots leading from the icon, presumably indicating an ongoing activity and a completion date.” *Id.* The agency also contends that the proposed timing for visitor access request submissions is the only other area of the proposal that describes commencement of the security clearance process, arguing that this statement is both unclear and inconsistent with the proposal’s milestones table. MOL at 15-16.

To address this argument, Harmonia reiterates its statement regarding the timing of submitting visitor access requests, and notes that it proposed to “promptly process and maintain appropriate security clearance for each employee.” Comments at 3; AR, Tab 16, Harmonia Volume I at 13. In response to the agency’s assertion that the milestones table contained “no indication” that security clearance activity was to start earlier than day 25, the protester states that the table “expressly provided that Harmonia would begin the clearance . . . process on day three.” Comments at 3; see AR, Tab 16, Harmonia Volume I at 8. Harmonia argues that displaying the JPAS contractor acceptance date as a green milestone meant that JPAS data entry would be completed, not initiated, on day 25. Comments at 3.

In reviewing protests of an agency’s evaluation, we do not reevaluate proposals; rather, we review the record to determine whether the evaluation is reasonable and consistent with the solicitation’s evaluation scheme and applicable procurement laws and regulations. See *Ball Aerospace & Techs. Corp.*, B-411359, B-411359.2, July 16, 2015, 2015 CPD ¶ 219 at 7. It is undisputed that a proposal that fails to conform to a material solicitation requirement is technically unacceptable and cannot form the basis for award. See *Pioneering Evolution, LLC*, B-412016, B-412016.2, Dec. 8, 2015, 2015 CPD ¶ 385 at 7. Furthermore, an offeror bears the burden of submitting an adequately written proposal and runs the risk of an unfavorable evaluation when it fails to do so. *Recon Optical, Inc.*, B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6.

Based on this record, we do not agree that the agency unreasonably concluded Harmonia’s proposal was unacceptable, and thus was unawardable.

The record shows that the solicitation required the kickoff meeting to take place no later than one day after the transition start, and the protester’s milestones chart graphed the kickoff on day five. SOW at 26. To the extent that Harmonia argues that it made itself available for immediate coordination with the agency on day one, this availability is not the same as actually holding the meeting. The record also shows that offerors were on notice that their proposals would be evaluated based on the inclusion of certain minimum milestones. AR, Tab 9, Instructions to Offerors at 4, 6. We note the agency’s statement that this kickoff meeting milestone was a material requirement, as well as the agency’s argument that it considered the contractor, who would be required to be present at the meeting and take notes, to be integral to the meeting. MOL at 13-14. The record shows that the agency reasonably concluded that the protester failed to

meet this milestone requirement in its proposal when its graph indicated the kickoff meeting would occur five days after the transition start.

Similarly, to the extent that the protester argues it intended to submit contractor data in a timely fashion, so that all incumbent staff and new hires would be accepted into the system by day 25, the burden falls on the protester to submit an adequately written proposal that sufficiently details how it would accomplish that milestone requirement. *See Recon Optical, Inc., supra.* As the agency explains, by graphing the milestone on day 25 Harmonia introduced ambiguity into its proposal as to whether it intended to submit JPAS contractor data on that day. MOL at 15.

The agency also explains that Harmonia's proposed submission of new visitor access requests by day 10 or "as hired" created confusion as to whether the JPAS acceptance milestone would be met "by [d]ay 25 or 'as hired.'" MOL at 15-16. Based on the ambiguities introduced by Harmonia's proposal, and the protester's burden to submit an adequately written proposal, we do not find the agency's determination that Harmonia failed to meet the solicitation milestone requirement unreasonable. To the extent the protester contends that the evaluators should have interpreted its proposal submission differently, the protester's disagreement, without more, provides no basis to sustain the protest. *STG, Inc., B-411415, B-411415.2, July 22, 2015, 2015 CPD ¶ 240 at 5-6.*

Given our conclusion that the agency reasonably excluded Harmonia's proposal from the competitive range, we need not address the protester's additional arguments; namely, that the agency unreasonably assigned weaknesses to its proposal under the staffing plan subfactor. Our resolution of these additional arguments would not alter the deficiency that was assessed to Harmonia's proposal, rendering it unacceptable, and therefore would not change the outcome of this decision.

The protest is denied.

Thomas H. Armstrong
General Counsel