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Decision

Matter of: Science Applications International Corporation

File: B-403051

Date: September 17, 2010

James J. McCullough, Esq., Steven A. Alerding, Esq., and Brian M. Stanford, Esq., Fried, Frank, Harris, Shriver & Jacobson LLP, for the protester.
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Debra Haworth, Esq., and Devon Romig, Esq., Department of Defense, Defense Threat Reduction Agency, for the agency.
Jonathan L. Kang, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the evaluation of the protester's proposal is denied where the record shows that the agency assessed weaknesses that were reasonably related to the stated evaluation criteria, and the agency reasonably concluded that the proposal had not provided sufficient details.
 2. Protest challenging the evaluation of awardee's past performance is denied where the agency reasonably concluded that statements concerning the awardee's performance as a subcontractor to the protester under the incumbent contract did not reflect negative information concerning the awardee, but were more related to the protester's supervision of its subcontractors.
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DECISION

Science Applications International Corporation (SAIC), of Alexandria, Virginia, protests the award of a contract to Booz Allen Hamilton Inc. (BAH), of McLean, Virginia, under request for proposals (RFP) No. HDTRA1-10-R-0003, issued by the Department of Defense, Defense Threat Reduction Agency (DTRA), for advisory and assistant support services for the agency's cooperative threat reduction (CTR) program. SAIC challenges the DTRA's evaluation of its technical proposal and the evaluation of BAH's past performance.

We deny the protest.

BACKGROUND

The DTRA is responsible for addressing threats arising from nuclear, biological, and chemical weapons of mass destruction (WMD). RFP, Statement of Objectives (SOO) ¶ 1.0. The agency's CTR mission is to provide assistance to former Soviet Union and other "evolving partner" countries in dismantling WMD, and to reduce the threat of proliferation of WMD material, technology, and expertise. Id. The SOO identified numerous responsibilities for the CTR contractor, including support for WMD-related activities, political and regulatory analysis, travel, translation, administrative activities, and acquisition planning. RFP, SOO ¶ 2.3. SAIC is the incumbent contractor for the CTR requirements, and BAH is a subcontractor to SAIC for that contract.

The RFP was issued on February 17, 2010, and anticipated award of a cost-reimbursement, indefinite-delivery/indefinite-quantity (ID/IQ) contract, with a 5-year period of performance. The maximum value of the contract is \$300 million with a minimum guaranteed value of \$1 million. The solicitation advised offerors that proposals would be evaluated based on the following three factors: mission capability, past and present performance, and cost. The mission capability factor had five subfactors: management approach, technical approach, transition plan, sample scenario, and initial task order. The mission capability factor was more important than the past and present performance factor. The mission capability subfactors were of equal importance, with the exception of the transition plan subfactor, which was of less importance than the other four subfactors. Each non-cost factor was more important than cost, and when combined, were "significantly more important" than cost. RFP § M.2.2.2.

The RFP stated that the agency would evaluate offerors' proposals under the mission capability factor for strengths and weaknesses, using a system of stars. For strengths, one star meant "merit above minimum," two stars meant "significant merit," and three stars meant "outstanding merit." For weaknesses, one star meant a "minor flaw," two stars meant a "significant flaw," and three stars meant a "major flaw." RFP § M.2.4.

The DTRA received proposals from three offerors, including SAIC and BAH, by the closing date of March 26. The agency's mission capability team (MCT) evaluated offerors' technical proposals, and the agency's performance risk assessment group (PRAG) evaluated offerors' past and present performance. The MCT and PRAG evaluators prepared reports which detailed their individual findings for the three offerors. These reports were combined into a consensus briefing to the source selection authority (SSA). Agency Report (AR), Tab 8, Source Selection Briefing,

at 8-9. As relevant here, the agency’s final evaluation of BAH’s and SAIC’s proposals was as follows:¹

	BAH	SAIC
MISSION CAPABILITY		
Management Approach	Exceptional	Marginal
Technical Approach	Exceptional	Exceptional
Transition Plan	Acceptable	Marginal
Sample Scenario	Acceptable	Acceptable
Initial Task Order	Acceptable	Acceptable
PAST AND PRESENT PERFORMANCE	HIGH CONFIDENCE	SIGNIFICANT CONFIDENCE
PROPOSED COST	\$40,048,296	\$35,250,453
PROBABLE COST	\$40,473,665	\$35,648,796

AR, Tab 8, Source Selection Briefing, at 130.

In the award decision, the SSA noted that BAH had received ratings of acceptable or better under all of the mission capability subfactors, including an exceptional rating under the management approach subfactor. AR, Tab 11, Source Selection Decision, at 8. In contrast, the SSA noted that SAIC had received multiple marginal ratings. *Id.* The SSA also noted that BAH was the only offeror to receive a “high confidence” rating under the past and present performance evaluation factor. *Id.* The SSA thus concluded that “the additional cost of the BAH offer is acceptable and that the BAH proposal represents the best value.” *Id.* at 9. The agency notified SAIC of the award on May 27, and provided a debriefing on June 7. This protest followed.

DISCUSSION

SAIC challenges the DTRA’s evaluation of every weakness and significant weakness assessed for its proposal under the management approach and transition plan subfactors of the mission capability factor. SAIC also argues that the agency’s evaluation of BAH’s past performance was unreasonable. Although we do not

¹ The DTRA scored each offeror’s proposal under the individual subfactors for the mission capability factor, but did not assign an overall rating for this factor. The agency used the following ratings for the mission capability subfactors: exceptional, acceptable, marginal, and unacceptable. RFP § M.2.4. The agency used the following ratings for past and present performance (listed from best to worst): high confidence, significant confidence, satisfactory confidence, neutral/unknown confidence, and little confidence. *Id.* § M.2.5.

address every argument raised by SAIC, we have reviewed each of them and conclude that none provides a basis for sustaining the protest.

The evaluation of an offeror's proposal is a matter within the agency's discretion. IPlus, Inc., B-298020, B-298020.2, June 5, 2006, 2006 CPD ¶ 90 at 7, 13. A protester's mere disagreement with the agency's judgment in its determination of the relative merit of competing proposals does not establish that the evaluation was unreasonable. VT Griffin Servs., Inc., B-299869.2, Nov. 10, 2008, 2008 CPD ¶ 219 at 4. In reviewing a protest against an agency's evaluation of proposals, our Office will not reevaluate proposals but instead will examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3.

This decision is based, in part, on declarations submitted by the members of the MCT and the PRAG, as well as the testimony of two members of the MCT, two members of the PRAG, and the SSA, provided during a hearing conducted by our Office on August 16, 2010. In reviewing an agency's evaluation of offerors' proposals, we do not limit our consideration to contemporaneously documented evidence, but instead consider all the information provided, including the parties' arguments, explanations, and any hearing testimony. Navistar Defense, LLC; BAE Sys., Tactical Vehicle Sys. LP, B-401865 *et al.*, Dec. 14, 2009, 2009 CPD ¶ 258 at 6. While we generally give little or no weight to reevaluations and judgments prepared in the heat of the adversarial process, post-protest explanations that provide a detailed rationale for contemporaneous conclusions, and simply fill in previously unrecorded details, will generally be considered in our review of the rationality of selection decisions—so long as those explanations are credible and consistent with the contemporaneous record. NWT, Inc.; PharmChem Labs., Inc., B-280988, B-280988.2, Dec. 17, 1998, 98-2 CPD ¶ 158 at 16; Boeing Sikorsky Aircraft Support, B-277263.2, B-277263.3, Sept. 29, 1997, 97-2 CPD ¶ 91 at 15. During the hearing conducted by our office, each witness provided, in our view, detailed and credible testimony that either amplified the contemporaneous record, or reasonably explained why the contemporaneous record did not reflect the facts described. Accordingly, this decision cites testimony as accurate and reliable reflections of contemporaneous events.

Evaluation of SAIC's Proposal – Mission Capability Factor

SAIC challenges the agency's evaluation of its proposal as marginal under the management approach and transition plan subfactors. As relevant here, the DTRA evaluated SAIC's proposal under the management approach subfactor as having one two-star/significant weakness and six one-star/minor weaknesses. AR, Tab 8, SSA Brief, at 60-61. For the transition plan subfactor, the DTRA evaluated SAIC's proposal as having one two-star/significant weakness and three one-star/minor weaknesses. *Id.* at 65. We find that the agency's evaluation under these two subfactors was reasonable.

1. Oversight of overseas staff and offices

SAIC argues that the DTRA unreasonably assigned its proposal a two-star/significant weakness under the management plan subfactor regarding the protester's plan for the oversight of its overseas offices. See AR, Tab 8, SSA Briefing, at 60.

The management approach subfactor required offerors to "describe a thorough, complete, and effective approach to accomplish the overall program and contract objectives as stated in the SOO with an acceptable level of risk." RFP § M.2.4.1. With regard to overseas offices, the RFP required the offerors to address "the ability to effectively manage and oversee offices and subcontractors overseas, to include organizational setup and proposed work on-site or off-site." Id.

The agency described the significant weakness as follows: "Failed to effectively demonstrate ability to oversee overseas staff and offices. Example: Communications plan with overseas offices does not mention communications with [Defense Threat Reduction Office (DTRO)] chiefs." AR, Tab 8, SSA Briefing, at 60. As relevant here, the DTROs are government overseas offices that are responsible for CTR efforts in nations receiving assistance; these offices are separate from the contractor's overseas offices. RFP, SOO ¶ 2.1.10; Hearing Transcript (Tr.) at 30:2-8.

In a declaration prepared in response to the protest, the members of the MCT stated that the "example" concerning the lack of communications with the DTRO chiefs was one of four examples relied upon in the assessment of the significant weakness. The MCT team stated that the overall concern underlying this significant weakness was that "SAIC's approach did not describe a comprehensive management plan including effective management processes as applies to overseas support." AR, Tab 19, MCT Declaration (Decl.), at 2.

During the hearing, the MCT Lead Evaluator testified that although only one example had been cited in the source selection briefing for purposes of brevity, all four concerns were part of the MCT's assessment of the significant weakness regarding overseas staff and offices. Tr. at 29:14-30:1. The MCT Lead Evaluator further testified that all four concerns had been included in the oral briefing to the SSA. Tr. at 54:9-55:7. The SSA testified that she had been briefed regarding other concerns beyond the example of the DTRO chiefs. Tr. at 297:20-298:6, 298:14-19. We think that the testimony of the MCT Lead Evaluator and the SSA credibly demonstrates that the agency relied on all four of the concerns in assessing this significant weakness.

The first basis for the significant weakness--which was documented in the source selection briefing--concerned the lack of an adequate plan to maintain communications with the DTRO chiefs. The agency found that the protester's proposal did not provide a plan to communicate with the overseas offices that will perform the requirements of the SOO in the target countries for the CTR program. AR, Tab 19, MCT Decl., at 2.

The agency acknowledges that the solicitation did not explicitly require offerors to address communications with the DTROs. See AR at 8-9. Nonetheless, the agency contends that communications with the DTROs is an essential element of a communications plan, which the agency states is a part of the requirement to demonstrate “the ability to effectively manage and oversee offices and subcontractors overseas, to include organizational setup and proposed work on-site or off-site.” RFP § M.2.4.1.

Although agencies are required to identify in a solicitation all major evaluation factors, they are not required to identify all areas of each factor that might be taken into account in an evaluation, provided that the unidentified areas are reasonably related to or encompassed by the stated factors. Digital Solutions Inc., B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 10. Here, we think that the agency reasonably viewed communications with the contractor’s overseas offices and with the DTROs responsible for the CTR activities as being reasonably related to the overseas office oversight requirements of RFP § M.2.4.1.

SAIC also contends that its proposal did in fact discuss communications with DTRO chiefs, to the extent that the proposal designated a “DTRO Overseas Onsite Manager.” See AR, Tab 5, SAIC Technical Proposal, at II-2. In this regard, SAIC’s proposal stated that this manager “will continue in his role as the Russia and Eurasia regional manager and will wear a dual hat as [biological threat reduction program (BTRP)] support in Russia.” Id. at II-20. The agency argues, and we agree, that this limited language in the proposal does not demonstrate an adequate approach to maintaining communications between the contractor’s overseas offices and the DTROs.

SAIC further argues that its discussion of its overseas offices referenced another part of its proposal, its transition plan, which addressed in greater detail the role its DTRO overseas onsite manager would take in communications with the DTROs. See AR, Tab 5, SAIC Technical Proposal, at II-20, II-53. The DTRA acknowledges that SAIC’s proposal referred to support for, and communications with, DTROs in the context of the transition plan. See AR, Tab 19, MCT Decl., at 2. The agency states, however, that it viewed the language concerning the manager’s role as relating to transition activities, as opposed to ongoing efforts for the oversight of the overseas offices. Id.; Tr. at 61:6-62:9. We think that SAIC’s proposal is not entirely clear on this point. In this regard, the protester argues that the language in the transition plan refers to the process for transitioning to and setting up the protester’s entire management plan for the overseas offices, whereas the agency argues that the language refers only to activities that will occur during the transition itself. We think that either interpretation is reasonable, and under these circumstances, we will not question the agency’s judgment. See VT Griffin Servs., Inc., supra; Shumaker Trucking & Excavating Contractors, Inc., supra.

The second basis for the significant weakness concerned a related aspect of SAIC’s communications with its overseas offices. SAIC’s proposal stated that it would

“round out the communications plan for local nationals in Armenia, Azerbaijan, Georgia, Kazakhstan and Uzbekistan” through “[p]eriodic visits by the Russia/Eurasia Regional Manager in addition to visits by the respective CT[R] project teams.” AR, Tab 5, SAIC Technical Proposal, at II-20. The agency stated that this approach was a concern because “[p]roject teams are generally single-country and -project focused,” and these teams would be primarily concerned with their own subject matter areas, rather than the broader issue of maintaining lines of communication for the entire CTR program. AR, Tab 19, MCT Decl., at 2; Tr. at 34:20-35:3.

We think that the agency reasonably concluded that an individual or team responsible for a particular subject matter might not be effective in supervising or facilitating communication for all of the subject matters and tasks of the overseas offices. To the extent that the agency viewed this approach to be part of SAIC’s approach for oversight of its overseas offices, we think the agency reasonably viewed this as an element of the overall significant weakness.

The third basis for this significant weakness was the agency’s view that the protester’s proposal “does not accommodate CTR’s current expansion efforts into other geographical areas, including sub-Saharan Africa, Southeast Asia, China, India, and the Middle East.” AR, Tab 19, MCT Decl., at 2. With regard to the expansion of the CTR program, the RFP advised offerors that “[t]he evolving mission of the Cooperative Threat Reduction Directorate (CT) is to provide assistance to Former Soviet Union (FSU) and other evolving partner countries in order to dismantle WMD and to reduce the threat of proliferation of WMD material, technology, and expertise.” RFP, SOO, ¶ 1.0.

The testimony of the MCT Lead Evaluator clarified that the agency’s concern was not related to a failure to address expansion to these specific countries, but rather the ability to manage the expansion of offices in these new countries, generally. In this regard, the MCT Lead Evaluator acknowledged that SAIC’s proposal discussed expansion into other geographical areas beyond the current CTR “footprint” of the FSU, but stated that the agency’s concern related to the ability to manage overseas offices as expansion into new countries occurs. Tr. at 84:15-20. In effect, this third concern related to the first area of concern, to the extent that the agency was concerned that the lack of an effective communications plan would affect the oversight of overseas offices as the agency expands into new countries. See Tr. at 86:16-21, 87:13-21, 88:5-89:4.

The protester argues that its proposal addressed this concern by citing examples of its successful expansion of overseas offices in the past. See AR, Tab 5, SAIC Technical Proposal, at II-30-II-31. The agency’s representative testified that these references do not demonstrate a communications plan that would allow for successful oversight of offices as the CTR mission is expanded to new countries. Tr. at 104:13-105:13. We think that the agency reasonably concluded that these

references relate to activities the protester had previously performed in establishing offices, and do not provide a detailed plan that addresses the agency's concerns.

In sum, we think that the agency was reasonably concerned that SAIC's proposal did not address its ability to oversee overseas offices in areas where the CTR program would be expanding.

The fourth basis concerned SAIC's proposal to locate its primary overseas office in [deleted], which the agency viewed as not "central to existing and planned CTR programs and projects in other nations." AR, Tab 19, MCT Decl., at 2. The protester contends that its [deleted] office is central to the existing "footprint" of the CTR program, which covers former Soviet Union countries.

We agree with the protester that this concern is somewhat problematic. On the one hand, the agency is correct that the [deleted] location is not geographically central when considering the future expansion of the DTRA missions to the Middle East, Southeast Asia, and Eastern Africa. In this regard, as discussed above, SAIC's proposal demonstrated a knowledge of the likely expansion of the CTR program to these geographic areas. See AR, Tab 5, SAIC Technical Proposal, at II-20, II-87. On the other hand, the MCT Evaluator conceded in her testimony that the agency did not have an idea as to where a "central" location for contract performance would be located with regard to planned CTR programs and projects in other nations, nor could she cite an example of a central location. Tr. at 79:16-80:14.

Nonetheless, we think this concern does not undermine the agency's overall rationale concerning the ability to oversee overseas offices and staff. As discussed above, the record shows that the agency's first three concerns raised by the agency all relate to the same general concern regarding the protester's communications plan and how it affects its ability to provide oversight for its overseas offices. In light of our view that the agency's other three rationales were reasonable, we do not think that the questionable rationale concerning the location of SAIC's [deleted] office provides a basis to sustain the protest. TMM Investments, Ltd., B-402016, Dec. 23, 2009, 2009 CPD ¶ 263 at 4; see Statistica, Inc. v. Christopher, 102 F.3d 1577, 1681 (Fed. Cir. 1996). In sum, we think the agency reasonably assessed a significant weakness for SAIC's proposal.

2. Outgoing/incoming subcontractors for overseas offices

SAIC argues that the DTRA unreasonably assigned its proposal a two-star/significant weakness under the transition plan subfactor, based on the protester's proposed approach to the staffing of its overseas offices. The agency found that the protester did not adequately address its approach to retaining or replacing the current overseas staff during transition. See AR, Tab 8, Source Selection Briefing, at 65.

The RFP required offerors to provide "a comprehensive schedule for transition and integration," and "demonstrate[] the ability, upon end of [the] transition period, to

utilize a workforce capable of immediately accomplishing the requirements in the SOO/[Statement of Work].” RFP § M.2.4.3.

The agency found the following two-star weakness regarding SAIC’s transition approach:

Inadequate discussion of overlap of outgoing/incoming subs, knowledge handoff or shadow period. No discussion regarding manning milestones for overseas offices. Two distinct support areas [deleted] are being transitioned to new subs.

AR, Tab 8, Source Selection Briefing, at 65. In its response to the protest, the MCT elaborated on this significant weakness. The MCT explained that it found that SAIC’s proposal had not addressed the risks arising from a significant degree of turnover in its subcontractors. AR, Tab 19, MCT Decl., at 9. In this regard, the agency noted that [deleted] of the [deleted] subcontractors proposed by SAIC would be new to the contract, including [deleted] of the [deleted] subcontractors for the [deleted] requirement, which is the [deleted]. Id. The agency also found that, under the incumbent contract, BAH provided 23 of 25 overseas staff positions--approximately 90 percent--and that SAIC’s proposal did not adequately address how these personnel would be retained or replaced in light of the fact that BAH was not proposed by SAIC as a subcontractor.² Id.; Tr. at 206:3-12.

The protester argues that the assignment of a weakness here was unreasonable because its proposal stated that its approach to transition will enable SAIC to retain 80 percent of the incumbent staff. See AR, Tab 5, SAIC Technical Proposal, at II-50. The agency argues that this blanket statement does not demonstrate that SAIC would retain all of the overseas staff. In this regard, the protester’s proposal stated that “[w]ith 80% of incumbents returning, approximately only [deleted] individuals will be completely new to the program and require a full ramp up.” AR, Tab 5, SAIC Technical Proposal, at II-54. As explained by the MCT Lead Evaluator, the current overseas staff of 25 that SAIC would need to retain represents less than 20 percent of SAIC’s overall proposed staff of approximately [deleted], raising the possibility--in

² SAIC notes that the agency’s calculation that 23 of 25 positions was provided by BAH yields a 92 percent percentage. The protester argues that this calculation did not reflect two personnel provided by another SAIC subcontractor, and also did not account for the difference between full-time and part-time staff. The protester argues that correcting these errors shows that there were 25.1 full time equivalent overseas staff, and that BAH was providing only 21.5 of these individuals--approximately 84 percent. We think that, in light of the nature of the agency’s concern that SAIC had not adequately addressed how or whether it would retain the overseas staff, this minor calculation error did not have any meaningful effect on the evaluation.

light of the protester's lack of a statement to the contrary--that the overseas staff might not be part of the 80 percent target of incumbent staff retained. See Tr. at 221:13-222:22. We think that the agency's conclusions here were reasonable.

With regard to milestones, SAIC argues that its proposal provided a detailed table that outlined key dates and activities for transition, which met the solicitation requirements. See AR, Tab 5, SAIC Technical Proposal, at II-57. However, the agency found that the events listed in SAIC's chart did not provide adequate detail concerning the transition events. AR, Tab 19, MCT Decl., at 9. The MCT Lead Evaluator explained that she viewed the proposal as inadequate because it merely listed events and dates, rather than explaining the steps that would be taken to ensure a successful transition. Tr. at 215:21-216:20. The MCT Lead Evaluator stated that the agency was concerned that the protester's proposal did not provide more detail concerning specific events beyond broad descriptions such as "Identify employees for new contract." Id. at 226:4-22. The evaluator also stated that the agency was concerned that the proposal did not describe adequate processes for ensuring that the events were achieved during transition. Tr. at 225:13-19, 228:1-7. We think that the agency reasonably concluded that SAIC's proposal lacked details that the agency viewed as necessary to demonstrate compliance with the RFP requirements. In sum, we think the agency reasonably assessed a significant weakness for SAIC's proposal here.

3. Socioeconomic goals

Next, SAIC argues that the DTRA unreasonably assigned its proposal a one-star/minor weakness under the management approach subfactor, based on the agency's conclusion that the protester did not demonstrate an adequate commitment to meet the socioeconomic subcontracting goals identified in the solicitation. See AR, Tab 8, Source Selection Briefing, at 61.

The RFP required offerors to "demonstrate a commitment to meeting the socioeconomic goals" set forth in the solicitation. RFP § M.2.4.1. Section L of the solicitation stated that offerors will be evaluated on their commitment to meeting the goal of subcontracting at least 15 percent of the total contract value to small businesses and/or historically black colleges/minority institutions, with 33 percent of that 15 percent goal (approximately 5 percent, overall) being subcontracted to service-disabled veteran-owned small businesses (SDVOSB). RFP § L.2.12. The RFP further stated that "DTRA will use the Central Contractor Registration (CCR) website data to verify proposed small business entities meets" the size standard set forth in North American Industrial Classification System (NAICS) code 54990--All other Professional, Scientific, and Technical Services." Id.

SAIC proposed to subcontract [deleted] percent of its total contract value to small businesses and [deleted] percent to SDVOSBs. Protester's Comments, Attach. A, SAIC Technical Proposal, at I-50, I-70. The agency found, however, that three of the subcontractors identified by SAIC as small businesses did not qualify as small

businesses under NAICS code 541990. AR, Tab 20, Decl. of DTRA Office of Small Business Programs Director, at 2. The agency recalculated the subcontracting percentages for SAIC, and found that the protester's proposal reflected [deleted] percent subcontracting to small businesses and [deleted] percent to SDVOSBs. Id. Based on this finding, the agency found that SAIC's proposal "[d]id not demonstrate adequate commitment to meet the prescribed Socio-economic goals." AR, Tab 8, Source Selection Briefing, at 61.

The protester notes that SAIC selected subcontractors who qualified as small businesses under NAICS codes other than the 541990 code specified in the solicitation, and identified these codes in its proposal. See Protester's Comments, Attach. A, SAIC Technical Proposal, at I-51-I-52. The protester contends that its approach was appropriate because the NAICS code cited in the RFP was a broad "catchall," and that the use of more specific codes--under which its proposed subcontractors would be considered small--was consistent with Small Business Administration regulations. We think that the RFP clearly stated the basis upon which offerors would be evaluated regarding their approach to small business subcontracting goals. On this record, we conclude that the agency reasonably evaluated SAIC's proposed subcontractors by evaluating them under the NAICS code set forth in the solicitation and reasonably assigned a weakness here to the protester's proposal.

4. Performance metrics

Next, SAIC argues that the DTRA unreasonably assigned its proposal a one-star/minor weakness under the management approach subfactor regarding performance metrics. The agency found that SAIC's proposal did not clearly explain how the identified metrics would be used to improve contract performance. See AR, Tab 8, Source Selection Briefing, at 60.

The RFP required offerors to demonstrate "the ability to effectively measure and evaluate [their] execution of the SOO; to plan, track and forecast success in [their] mission, and in anticipation of contractor's future work needs as outlined in the SOO." The solicitation further required offerors to "clearly define the types and nature of the metrics to be used, the nature of the inferential data to be collected and processed, and the plan for utilizing these for continual process improvement." RFP § M.2.4.1.

SAIC argues that its proposal identified both the metrics to be used, as well as the processes for collecting data and incorporating the findings to meet the continual process improvement requirements. Specifically, the protester contends that it proposed to develop a quality assurance plan (QAP) that "will include a data collection and measuring process to provide our team members with specific processes for measuring, and evaluating performance." See AR, Tab 5, SAIC Technical Proposal, at II-18. The section of the protester's proposal concerning

metrics referred to other sections of its proposal concerning monitoring of performance, and a flowchart concerning its QAP process. Id. at II-17, II-37.

The agency found that SAIC's proposal merited a weakness because it "[i]dentified areas in which to develop metrics, [but] did not articulate a method for collecting, monitoring or reporting metrics." AR, Tab 8, Source Selection Briefing, at 60. In its declaration responding to the protest, the MCT members stated that the agency was "impressed with the diversity and depth" of the metrics proposed by SAIC, but that the proposal "did not provide the details necessary to confidently evaluate that this QAP would be adequate." AR, Tab 19, MCT Decl., at 3. The MCT Lead Evaluator further explained that the primary basis for the weakness was SAIC's failure to discuss how the data collected through the metrics would be used to improve the protester's performance through improvement and refinement of its processes. Tr. at 129:7-130:12; see also AR, Tab 19, MCT Decl., at 3-4.

The MCT Lead Evaluator also stated that a flowchart provided in the protester's proposal detailing the QAP is a copy of an agency plan, which the agency interpreted as requiring, as part of SAIC's process, government approval for certain steps in the decision-making processes. Tr. at 143:8-17, 149:15-150:1; see AR, Tab 5, SAIC Technical Proposal, at II-37, Fig. 2-9, Panel C. Because metrics were to be a part of the contractor's own internal process for monitoring and improving performance, the agency viewed this chart as an indication of an inadequate approach to the performance metrics requirements. Tr. at 143:8-17, 149:15-150:1; see also MCT Decl. at 4.

Based on our review, we think the agency reasonably concluded that the metrics described in SAIC's proposal were not accompanied by a sufficiently detailed plan demonstrating how the data collected will be utilized to improve contract performance. In this regard, while as noted by the protester SAIC's proposal states that it describes the "key parameters to measure and evaluate our performance on SOO tasks," AR, Tab 5, SAIC Technical Proposal, at II-19, the proposal otherwise does not clearly set forth an approach to using metrics for improving contract performance. We also think the agency reasonably identified a concern with SAIC's QAP plan, given that the flowchart detailing the process for its approach to metrics and quality assurance appears to replicate an internal government process that relies upon agency rather than contractor oversight. On this record, we think the agency reasonably assessed a minor weakness to SAIC's proposal.

5. Task lead for BTRP

Next, SAIC argues that the DTRA unreasonably assigned its proposal a one-star/minor weakness under the management approach subfactor concerning qualifications and technical experience of its proposed task lead for the BTRP requirements. See AR, Tab 8, Source Selection Briefing, at 60.

The RFP required offerors to provide “a thorough description of the management structure and division of responsibility that demonstrates the ability to effectively control the full range of support services.” RFP § M.2.4.1. As relevant here, offerors were required to “address the experience and qualifications of all key personnel” including the “leader/manager for all of the CT program areas.” RFP § L.3.3.2.

SAIC’s proposal listed the following qualifications and experience for its BTRP lead:

• [deleted]	• [deleted]
• [deleted]	• [deleted]
• [deleted]	• [deleted]
• [deleted]	• [deleted]

AR, Tab 5, SAIC Technical Proposal, at II-11.

The agency’s source selection briefing stated that “[t]he breadth of qualifications and technical experience for the proposed task lead is insufficient for BTRP.” AR, Tab 8, Source Selection Briefing, at 60. In the MCT’s declaration in response to the protest the agency stated, however, that “this weakness is poorly worded and does not correctly convey the assessment of the team.” AR, Tab 19, MCT Decl., at 5. Instead, the agency states that the weakness was based on the lack of detail concerning the proposed BTRP lead’s experience, and how it related to the BTRP requirements of the solicitation. *Id.* In this regard, the MCT Personnel Evaluator testified that the agency could not discern how the 29 years of experience cited for SAIC’s BTRP task lead was allocated amongst the four positions listed for the individual. Tr. at 246:13-247:1. Furthermore, the MCT Personnel Evaluator explained that the four positions listed for the BTRP lead did not describe what those positions entailed, that is, how the experience in those positions related to the biological threat requirements of the CTR program.³ Tr. at 241:4-21, 247:2-9. We think that the record, including the testimony of the MCT evaluator, shows that the DTRA reasonably concluded that there was a lack of detail in SAIC’s proposal regarding the BTRP task lead, and reasonably assessed a minor weakness for this reason.

6. Training Program

Next, SAIC argues that the DTRA unreasonably assigned its proposal a one-star/minor weakness under the management approach subfactor, based on a

³ In contrast, the agency notes, the summaries of experience for other proposed subject-matter leads provided details that allowed the agency to correlate the relevant experience with the requirements of the SOO. AR, Tab 19, MCT Decl. at 5; Tr. at 242:5-21; see AR, Tab 5, SAIC Technical Proposal, at II-11-12.

concern that its proposed training program for its personnel relied too heavily on government-provided training. See AR, Tab 8, Source Selection Briefing, at 61.

The RFP required offerors to demonstrate “the ability to effectively provide a training and education program to be used to ensure minimum requirements of various disciplines are fulfilled and maintained,” and that the “training and education plan is tied to retention and continual benefit to the contractor during the performance of the contract.” RFP § M.2.4.1.

SAIC stated that it would provide training for its staff through the courses offered under the agency’s CTR training program. AR, Tab 5, SAIC Technical Proposal, at II-18. SAIC’s proposal explained that it had developed the current CTR training used by DTRA under the incumbent contract. AR, Tab 5, SAIC Technical Proposal, at II-18. The CTR training covers a broad spectrum of courses, including cooperative threat technical issues, program management, and acquisition management. Id. The courses are provided for government personnel, but contractor personnel are permitted to attend as well. Id.; Tr. at 189:9-12.

The agency found that the protester’s proposal had a weakness because its training program was “very reliant on the current CTR government training program.” AR, Tab 8, Source Selection Briefing, at 61. While the MCT Lead Evaluator acknowledges that SAIC provides “the majority” of training for CTR courses, he also testified that some courses relied upon in SAIC’s proposal are taught by government personnel and that all courses have a substantial level of input from government personnel as to content.⁴ Tr. at 171:14-172:6, 193:13-15. The MCT Lead Evaluator testified that the primary concern with SAIC’s proposal’s reliance on government-sponsored training was that the agency anticipated that its CTR training could change, specifically with regard to the use of CTR-specific program management courses, and that the contractor may have to provide this training in the absence of government support. Tr. at 169:6-170:18. In the absence of CTR-sponsored training, the agency was concerned that the SAIC proposal did not set forth a viable plan for training of its own personnel. Id.; AR, Tab 19, MCT Decl., at 7-8.

SAIC contends that the agency should have recognized that SAIC provides the instruction for a large part of the current CTR courses, and should have assumed that SAIC could have continued to provide the training even without government support. The protester, however, does not dispute that its proposed training approach is based on SAIC personnel attending the government’s CTR training courses, that the CTR training is provided in part by government instructors, and that the overall curriculum is based on input from government personnel. Furthermore, SAIC’s proposal does not explicitly state, and the protester does not

⁴ The protester acknowledges that four courses are taught entirely by government personnel. Protesters Supp. Comments at 15 n.2.

otherwise argue, that it intends to provide all of the training itself, independent of government support. See AR, Tab 5, SAIC Technical Proposal, at II-18. On this record, we think the agency reasonably concluded that SAIC's proposal merited a minor weakness.

Evaluation of BAH's Past and Present Performance

SAIC argues that the DTRA unreasonably ignored negative information concerning BAH's performance as a subcontractor to SAIC under the incumbent contract in its evaluation of the BAH's past and present performance. The agency responds that it considered this information, but concluded that it was not relevant to the evaluation of BAH's performance.

Each offeror's past and present performance was evaluated by a member of the PRAG. The PRAG then developed overall ratings for the offerors, and provided a briefing to the SSA. Tr. at 290:5-291:8. The agency reviewed BAH's performance under this subcontract by consulting performance data in the past performance information retrieval system (PPIRS) database, and performance questionnaires prepared by DTRA officials. AR, Tab 8, Source Selection Briefing, at 85-86. Based on this information, the agency concluded that BAH's performance for this subcontract was relevant, and assigned a performance rating of excellent.⁵ Id. Overall, the agency reviewed 19 references for BAH and its subcontractors, and concluded that BAH merited an overall rating of high confidence. Id. at 90.

SAIC argues that the DTRA's evaluation of BAH failed to reflect negative performance information that was detailed in evaluations prepared by the DTRA in determining SAIC's award fee for the incumbent contract. In this regard, the protester contends that various SAIC award fee determination letters identify concerns regarding BAH's performance as a subcontractor to the protester:

[The] subcontracting and tasking between the SAIC task lead and [BAH]-hired consultants experienced problems regarding the even distribution of work.

AR, Tab 10, SAIC Award Fee Determination, May 2008, at 5-6.

Although exceptionally beneficial to the BTRP as a whole, the [BAH] team continues to need full integration into the [SAIC contract] team.

⁵ The agency assigned each past and present performance reference a relevance rating of highly relevant, relevant, somewhat relevant, or not relevant, and a performance rating of exceptional, very good, satisfactory, marginal, or unsatisfactory.

Id., Oct. 2008, at 5.

[SAIC] needs to ensure that all teaming contractors are seamlessly integrated into the [SAIC contract] organization. Particularly in the BTRP area, BAH has discussed business matters in terms of its company identity instead [of] the seamless [SAIC contract].

Id., Oct. 2009, at 5.

During the hearing the PRAG member responsible for evaluating BAH's past and present performance testified that he was not aware of the information cited by the protester concerning the awardee's performance as a subcontractor to SAIC. Tr. at 265:3-7. However, the PRAG member responsible for evaluating SAIC's past and present performance testified that he reviewed the SAIC award fee letters and was aware of the information concerning BAH's performance as a subcontractor to SAIC but did not report this information to the BAH past performance evaluator for consideration. Tr. at 270:20-272:10, 273:22-274:19.

While SAIC argues that the evaluation of BAH's past performance thus failed to consider highly relevant information, the SAIC past performance evaluator testified that he did not view the statements concerning BAH to indicate a problem with BAH's performance, and instead considered the statements to indicate a problem with SAIC's supervision and management of its subcontractors. Tr. at 280:4-281:3. We agree that the statements in the award fee determinations quoted above could reasonably be viewed as pertaining to SAIC's management of its subcontractors, rather than any specific concerns pertaining to BAH's performance. On this record, we conclude that the agency's evaluation of BAH's past and present performance was reasonable.

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