



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Piton Science and Technology

File: B-406052

Date: January 23, 2012

William S. Murphy, Jr., for the protester.

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DIGEST

Protest of evaluation of protester's proposal as marginal is denied where proposal failed to provide adequate support for protester's exception to stated range of personnel required for performance of sample task order.

DECISION

Piton Science and Technology (PST), of Oakton, Virginia, protests the award of contracts to other offerors under request for proposals No. W91247-11-R-0002, issued by the Department of the Army for instructor and training support services for the Army's Maneuver Center of Excellence (MCoE) at Fort Benning, Georgia. PST challenges the evaluation of its proposal.

We deny the protest.

BACKGROUND

The RFP sought proposals for a non-personal services contract to support MCoE in its mission to develop training strategies, doctrine, capabilities, analysis, and instruction and products for current and future forces. The competition was divided between two tasks identified as suite 1, conducted as a total small business set-aside, and five tasks identified as suite 2, conducted on an unrestricted basis. Only the suite 1 competition is at issue in this protest and it encompasses the training development support and training instruction support tasks. The RFP contemplated award, on a "best value" basis, of multiple indefinite-delivery, indefinite-quantity (ID/IQ) contracts under suite 1. Each ID/IQ contract was to be awarded for a base

year, with 4 option years, with task orders issued on a fixed-price, labor hours, time and materials, or hybrid basis.

Proposals for suite 1 were to be evaluated on the basis of three factors and related subfactors: (1) mission capability, with subfactors for management approach, teaming approach, staffing and training approach, quality control, and response to scenario; (2) past performance; and (3) price. Subfactors were not individually rated, but each non-price factor received an overall adjectival rating of excellent, good, acceptable, marginal, or unacceptable. Offerors were warned that proposals receiving a final rating of marginal or unacceptable under the mission capability factor would not be eligible for award. RFP at 79. The mission capability factor was more important than past performance, and these factors, combined, were significantly more important than price.

Twenty offerors, including PST, submitted proposals for suite 1. In accordance with the RFP, the agency decided not to conduct discussions. Based on two strengths, one weakness, and one significant weakness, PST's proposal was evaluated as marginal under the mission capability factor and good under the past performance factor. Due to its marginal rating, PST's proposal was not considered for an award. From the 14 proposals rated acceptable or higher, the source selection authority determined that 7 represented the best value to the government and accordingly awarded ID/IQ contracts to those offerors, including Yorktown Systems Group, Inc., Anautics, Inc., The Talmadge Group, Paramount Solutions, Inc., Totalis Consulting Group, Inc., Charles F. Day & Associates, and Potawatomi Training, LLC. After a debriefing, PST filed this protest.

DISCUSSION

PST asserts that the agency misevaluated its proposal and unreasonably rated it as marginal. Specifically, PST challenges the reasonableness of the source selection evaluation board's (SSEB) assignment of a significant weakness under the sample task order (STO) subfactor and a weakness under the staffing and training subfactor.

In considering a protest of an agency's proposal evaluation, our review is confined to determining whether the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 10-11. A protester's mere disagreement with the agency's evaluation does not provide a basis for sustaining a protest. See Command Enters., Inc., B-293754, June 7, 2004, 2004 CPD ¶ 166 at 4.

PST has raised numerous arguments in support of its protest grounds. We have considered all of them and find that none furnish a basis for finding the evaluation unreasonable. We address below PST's more significant assertions.

STO 1 Scenario Subfactor

In evaluating an offeror's response to the STO, the SSEB considered each firm's ability to successfully execute the STO for the applicable MCoE suite. As to the suite 1 STO (STO 1), the RFP advised offerors to assume a range of 23-31 contractor manpower equivalents (CME) at 2,080 hours per year. RFP, attach. 9. Offerors were required to meet all RFP requirements and were warned that failure to do so could result in an offer being ineligible for award. RFP at 68. If offerors found it necessary to take exception to a requirement, they were required to provide a complete explanation of why the exception was taken, what benefit would accrue to the government, and its impact, if any, on the performance, schedule, cost, and specific requirements of the RFP. Id. The RFP also warned offerors that the mission capability volume of their proposals had to be "clear, concise, and include sufficient detail for effective evaluation and for substantiating the validity of stated claims." RFP at 69.

In its proposal, PST took exception to the CME level established in the solicitation for STO 1, explaining that:

Because Team Piton's partners are the current incumbents executing the work described in STO 1 and understand intrinsically the current contractor support required, we take exception to this given range of 23-31 CMEs. Therefore, for the purpose of our approach and pricing for STO 1, Team Piton will use a figure of 18 CMEs to support STO 1. We believe that providing 18 CMEs, instead of the recommended 23-31 CMEs, will save the Government significant resources in terms of dollars, manpower and facilities, while still offering an innovative approach and ensuring that all tasks described in the [RFP] are executed to standard.

Proposal, Vol. II at 1.

In evaluating PST's STO 1 proposal, the SSEB assigned it a strength based on its demonstrated understanding of the requirements for the programs of instruction, including its detailed analysis regarding instruction support, training schedules, and staffing. PST Evaluation at 3. However, the SSEB also assigned it a significant weakness because PST failed to accurately assess the manpower required to perform the work. Id. at 4. Specifically, the SSEB noted that PST's proposal of 18 CMEs for instructors, training development, and management personnel was significantly less than either the government estimate of 26 CMEs or the RFP's stated range of 23-31 CMEs for STO 1. Id. The SSEB found PST's reduced staffing level to represent a significant flaw that appreciably increased the risk of unsuccessful contract performance. Id. Based on this weakness, the SSEB rated PST's proposal as marginal overall for the mission capability factor.

PST asserts that its proposal met all the requirements in response to STO 1 (including describing its procedures, processes, and controls, to achieve full capability of performance); that its exception was supported by its team's status as the "current real-world incumbent" using the proposed staffing levels; and that its lower CMEs were consistent with the provisions of U.S. Army Training and Doctrine Command Pamphlet (TRADOC PAM) No. 350-70-11. Comments at 5; Supplemental Agency Report (SAR) Comments at 25.

PST's assertions are without merit. Although the protester's proposal was credited with addressing the STO 1 requirements, as recognized in the assigned strength, PST's significant weakness was based on its failure to adequately support its exception to the CME range set forth in the solicitation. In this regard, its proposal merely stated that the experience of its team supported its CME level, and it failed to explain the elements of its approach that would permit it to satisfactorily perform the contract requirements with significantly fewer personnel than indicated in the CME range set forth in the solicitation. Further, while its proposal identified several innovations (Proposal at 28, 30-32), we note that none were specifically identified as being related to the reduced CME level. Moreover, while it relied on its team's "incumbent" status, in fact it was relying on a team member's performance of a similar task and not the STO 1 task. Agency Report at 22. As for PST's claim to have relied on TRADOC PAM No. 350-70-11 for its proposed staffing level, we note that PST's proposal did not refer to the publication's guidance as a basis for its proposed CMEs. In these circumstances, we find that the agency reasonably determined from its review of PST's proposal that the proposed staffing levels were so low that they endangered contract performance. Decl. of SSEB Chair at 9. Accordingly, the SSEB could reasonably conclude that PST's response to STO 1 was inadequate, resulting in an overall marginal rating for the mission capability factor and forming the basis for eliminating PST's proposal from consideration for an award. See Carlson Wagonlit Travel, B-287016, Mar. 6, 2001, 2001 CPD ¶49 at 3.¹

PST asserts that other aspects of the agency's evaluation of its proposal were flawed. We do not reach the merits of these arguments because, based on the terms of the RFP, PST's marginal rating under the mission capability factor rendered its proposal ineligible for award, notwithstanding any other errors in the evaluation. Since PST thus would not have received the award even if we agreed that the evaluation in

¹ PST also challenged the SSEB's assignment of a weakness under the staffing and training subfactor of the mission capability factor. Based on the agency's assignment of a significant weakness under the STO 1 scenario, discussed above, which formed the basis for PST's marginal proposal rating (SAR at 7), we need not address PST's assertions regarding this additional weakness.

these other areas was flawed, these aspects of the protest are academic.
Cooperativa Maratori Riuniti-Anese, B-294747, Oct. 15, 2004, 2004 CPD ¶ 210 at 4.

The protest is denied.

Lynn H. Gibson
General Counsel