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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: LOGMET LLC

File: B-407061

Date: October 17, 2012

Wayne C. Rankin for the protester.

Pamela J. Mazza, Esq., Alexander O. Levine, Esq., and Brian F. Wilbourn, Esq., PiliroMazza PLLC, for B3 Solutions, LLC, an intervenor.

Christopher S. Cole, Esq., Col. Mark S. Teskey, and Capt. Laura Koths, Department of the Air Force, for the agency.

Louis A. Chiarella, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that contracting agency improperly evaluated offeror's past performance is denied where the record shows that the protester did not adequately demonstrate relevant performance in all required areas, and the agency's evaluation was reasonable and consistent with the stated evaluation criteria.

DECISION

LOGMET LLC, of Round Rock, Texas, protests the award of a contract to B3 Solutions, LLC, of Jacksonville, Florida, under request for proposals (RFP) No. FA9401-12-R-0005, issued by the Department of the Air Force, Air Force Nuclear Weapons and Counterproliferation Agency, for logistics materiel control activity (LMCA) services at the Air Force Research Laboratory, Kirtland Air Force Base, New Mexico. LOGMET argues that the agency's evaluation of its past performance was improper.

We deny the protest.

BACKGROUND

The RFP, issued on May 1, 2012 as a section 8(a) set-aside,¹ contemplated the award without discussions of a fixed-price contract for a base year with four 1-year options. In general terms, the contractor was to provide the personnel, equipment, tools, materials, and other items necessary to perform the specified LMCA services. Performance Work Statement (PWS) at 4. As relevant here, the PWS included information technology equipment (ITE) asset management and bench stock store functions.² Id. at 17-19. Award was to be made to the responsible offeror whose proposal was deemed most advantageous to the government considering two evaluation factors: past performance and price. Past performance was significantly more important than price. RFP at 29.

With respect to past performance, the RFP instructed offerors to provide up to five references--with up to five pages on each reference--of contracts performed within the previous 3 years demonstrating relevant past performance. RFP at 121. The solicitation did not require that the past performance be with the Air Force or limited to LMCA contracts; rather, the RFP permitted offerors to reference contracts performed for federal agencies and commercial customers, including supply contracts, to demonstrate performance relevant to the RFP requirements. Id. The RFP, however, expressly cautioned offerors to provide sufficient information in their proposals to permit a meaningful assessment of their past performance. Id. at 32.

Eleven offerors, including LOGMET and B3 Solutions, submitted proposals by the June 8 closing date. LOGMET's proposal included three past performance references: (1) its LMCA contract at Wright-Patterson Air Force Base (AFB), Ohio; (2) its base logistics services contract at Los Angeles AFB, California; and (3) its ammunition handler services contract at Ft. Sill, Oklahoma. Agency Report (AR), Tab 6, LOGMET Proposal, at 4-6. Notwithstanding the fact that the RFP permitted

¹ Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (2006), authorizes the Small Business Administration (SBA) to enter into contracts with government agencies and to arrange for performance through subcontracts with socially and economically disadvantaged small business concerns. Federal Acquisition Regulation (FAR) § 19.800(a). Department of Defense agencies have been delegated authority to enter into 8(a) contracts on behalf of the SBA. Department of Defense FAR Supplement (DFARS) § 219.800(a).

² A bench stock store, alternatively referred to as an office supply store, is a customer-owned store of low cost, high demand, consumable items (e.g., toner cartridges). PWS at 18-19, 47; RFP at 128. To the extent LOGMET alleges any ambiguity or confusion about these two terms in the solicitation, see LOGMET Comments, Aug. 22, 2012, at 1-2, its protest is untimely. 4 C.F.R. § 21.2(a)(1) (2012).

offerors to submit up to five pages per reference to demonstrate the relevance of their prior work, LOGMET submitted only a one-paragraph (approximately one-half page) listing of the responsibilities and functions for each reference. Id.

An Air Force past performance evaluation team (PPET) evaluated offerors' past performance using an adjectival rating system as set forth in the RFP: substantial confidence; satisfactory confidence; limited confidence; no confidence; and unknown confidence. Id., Tab 7, Past Performance Evaluation Report, at 2. As part of the overall assessment of past performance, the evaluators considered the relevance (very relevant; relevant; somewhat relevant; not relevant) and the quality of each reference. Id. at 2-15.

When evaluating LOGMET's past performance, the PPET found the Wright-Patterson AFB LMCA reference to be "relevant," and the Los Angeles AFB and Ft. Sill references to be "somewhat relevant." Id. at 10-11. As a preliminary matter, the evaluators found that although LOGMET provided a listing of its responsibilities for each reference, the lists were difficult to follow in terms of ascertaining how the contracts related to the PWS requirements here. Id. For example, with regard to the Ft. Sill reference, the PPET concluded that the handling of munitions performed under that contract was not a function required of the PWS here, and that LOGMET had failed to provide enough detail about its other listed functions to ascertain their relevance. Id. at 11. Further, the PPET found that none of LOGMET's references demonstrated a record of performance of the supply store or ITE asset management functions.³ Id., Tab 7, Past Performance Evaluation Report, at 10-11. As a result, the evaluators were unable to assess the offeror's ability to perform these two PWS-required functions. Id. Based on the relevance and quality of the offeror's references, the Air Force assigned LOGMET a past performance rating of satisfactory confidence. Id. at 12.

The final ratings and prices of the LOGMET and B3 Solutions proposals were as follows:

Factor	LOGMET	B3 Solutions
Past Performance	Satisfactory Confidence	Substantial Confidence
Price	\$4,062,299	\$4,446,429

³ The Air Force also confirmed as part of its evaluation that LOGMET's LMCA contract at Wright-Patterson AFB did not include a supply store function. Id., Tab 14, Email from Wright-Patterson AFB Contracting Officer's Representative to Procuring Contracting Officer, July 2, 2012.

AR, Tab 7, Past Performance Evaluation Report, at 4, 12, 15. The Air Force subsequently selected B3's proposal for contract award, and this protest followed.

DISCUSSION

LOGMET asserts that the agency's evaluation of its past performance was unreasonable. The protester argues that the Air Force improperly concluded that the offeror did not have--or did not demonstrate--relevant supply store and ITE asset management experience. LOGMET contends that had the agency conducted a proper evaluation of its past performance, it would have received a higher, substantial confidence rating and would have been selected for contract award.⁴

Our Office will examine an agency's evaluation of an offeror's past performance only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations since determining the relative merit or relative relevance of an offeror's past performance is primarily a matter within the agency's discretion. TPMC-EnergySolutions Env'tl. Servs., LLC, B-406183, Mar. 2, 2012, 2012 CPD ¶ 135 at 11; Clean Harbors Env'tl. Servs., Inc., B-296176.2, Dec. 9, 2005, 2005 CPD ¶ 222 at 3. A protester's mere disagreement with the agency's judgment does not establish that an evaluation was improper. AT&T Corp., B-299542.3, B-299542.4, Nov. 16, 2007, 2008 CPD ¶ 65. Our review of the record leads us to conclude that the agency's past performance evaluation was unobjectionable.

As detailed above, the Air Force considered the relevance and quality of each LOGMET-provided reference when evaluating the offeror's past performance. The PPET found, as a general matter, that LOGMET's brief listing of the scope and responsibilities of each reference made it difficult to ascertain the relevance of these contracts to the PWS requirements here. Again, while the RFP provided offerors with up to five pages per contract reference to demonstrate the relevance of their prior efforts to the PWS requirements here, LOGMET elected to submit only a half-page description in each instance. Further, the PPET found that none of

⁴ LOGMET also initially protested that the RFP did not require offerors to address each and every PWS function, and the agency's consideration of supply store and ITE asset management experience constituted unstated evaluation criteria. Protest, July 23, 2012, at 19. The Air Force specifically addressed these aspects of the protest in its report to our Office, AR, Aug. 22, 2012, at 5-9, and LOGMET's comments offered no rebuttal of the agency's position. See LOGMET Comments, Aug. 22, 2012, 1-4. Where, as here, an agency provides a detailed response to a protester's assertion and the protester does not respond to the agency's position, we deem the issue to have been abandoned. See Emergent BioSolutions Inc., B-402576, June 8, 2010, 2010 CPD ¶ 136 at 10 n.11; Citrus College; KEI Pearson, Inc., B-293543 et al., Apr. 9, 2004, 2004 CPD ¶ 104 at 8 n.4.

LOGMET's references demonstrated supply store and ITE asset management experience. As a result, the evaluators concluded that LOGMET's past performance failed to demonstrate the offeror's ability to perform these two PWS-required functions, thereby resulting in assigning only a satisfactory confidence rating.

We find the Air Force's evaluation to be reasonable and consistent with the stated evaluation criteria. It is an offeror's responsibility to provide adequate detail about its past performance to demonstrate the relevance of its prior experience. See AIROD Sdn. Bhd., B-294127, Aug. 16, 2004, 2004 CPD ¶ 156 at 5 n.1; Interstate Gen. Gov't Contractors, Inc., B-290137.2, June 21, 2002, 2002 CPD ¶ 105 at 5. In an exercise of its own business judgment, LOGMET submitted a proposal with a scant, half-page listing of the duties and functions of each reference although the RFP provided offerors with up to five pages per reference to demonstrate the relevance of their experience. As the evaluation record indicates, and our review of the firm's proposal confirms, there is no discussion of either supply store or ITE asset management experience in any of LOGMET's references.

LOGMET does not dispute that its proposal failed to demonstrate both supply store and ITE asset management experience. Rather, the protester argues that because it is the LMCA contractor at Wright-Patterson AFB, and because all Air Force LMCAs are organized and operated in the same manner, the agency should have understood that it therefore possessed all required experience. Comments, Aug. 22, 2012, at 1-2.

LOGMET's argument here reflects a fundamental misunderstanding of the proposal process. The RFP clearly established that it was an offeror's responsibility for its proposal to demonstrate the relevance of its prior experience. The protester now essentially argues that it did not need to comply with the solicitation instructions, and the mere statement that it was an LMCA contractor at another location was by itself sufficient to justify the highest past performance rating. If LOGMET was of the opinion that LMCA contractors should not have been held to the submission requirements applicable to other offerors, it should have raised this challenge to the solicitation requirements before the closing date and time. See 4 C.F.R. ¶ 21.2(a)(1).

Moreover, contrary to the protester's assertion, it appears that not all LMCA contracts are the same. In this regard, the record here indicates that LOGMET's LMCA contract at Wright-Patterson AFB in fact did not include a supply store function. Contracting Officer's Statement, July 26, 2012, at 6; AR, Tab 7, Past Performance Evaluation Report, at 29 (past performance questionnaire indicating that the supply store function was not performed); Tab 14, Email from Wright-Patterson AFB Contracting Officer's Representative to Procuring Contracting Office, July 2, 2012 ("there is no office supply store").

In sum, given LOGMET's lack of demonstrated relevant experience in significant PWS functions, we find no basis for concluding that the agency acted unreasonably in not assigning a higher rating than satisfactory confidence.

The protest is denied.

Lynn H. Gibson
General Counsel