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Decision

Matter of: Insignia-Spectrum, LLC

File: B-406963.2

Date: September 19, 2012

Robert E. Korroch, Esq., Anthony H. Anikeeff, Esq., and William A. Wozniak, Esq., Williams Mullen, for the protester.

David S. Cohen, Esq., John J. O'Brien, Esq., Gabriel E. Kennon, Esq., and Amy J. Spencer, Esq., Cohen Mohr LLP, for Array Information Technology; and, Pavan I. Khoobchandani, Esq., Akerman Senterfitt LLP, for IndraSoft, Inc., the intervenors. Colonel Mark S. Teskey, and Jared D. Minsk, Esq., Department of the Air Force, for the agency.

John L. Formica, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency reasonably evaluated the protester's proposal as technically unacceptable under a solicitation providing for awards to the offerors submitting the technically acceptable, best value proposals based upon the consideration of past performance and price, where the protester's proposal failed to provide an adequate explanation regarding its approach to accomplishing certain tasks as set forth in a sample task order, and the evaluation was reasonable and consistent with the solicitation's terms.

2. Agency conducted meaningful discussions that were not misleading where during discussions the agency clearly notified the protester of its concerns that the protester's proposal lacked detail with regard to its evaluated response to a sample task order.

DECISION

Insignia-Spectrum, LLC protests the evaluation of its proposal as technically unacceptable, and that it failed to receive meaningful discussions, under request for proposals (RFP) No. FA8771-09-R-0021, issued by the Department of the Air Force.

We deny the protest.

The RFP provided for multiple awards of fixed-price, indefinite-delivery/indefinite-quantity (ID/IQ) contracts, for a base period of 3 years, with four 1-year option periods, to small business offerors. Offerors were advised that the agency intended to award six to nine ID/IQ contracts, with the agency reserving the “right to make more, less or no award at all as determined to be in the best interest of the government.” RFP at 196. The solicitation provided that awards would be made to the offerors whose proposals represented the “best value” to the agency, using a “Performance Price Tradeoff (PPT) . . . methodology.” Id. at 195. In so doing, the agency would determine which technically acceptable proposals represented the best value by performing “[t]radeoffs” between past performance and price, with past performance being considered significantly more important than price. Id.

The RFP explained that under the PPT method, proposals would first be evaluated for technical acceptability “on a pass/fail basis” under the following five subfactors: (1) quality processes, (2) test support, (3) systems sustainment, (4) web service development, and (5) management approach. Id. The solicitation, in addition to describing each of these technical evaluation subfactors in considerable detail, stated that a proposal would be “rated ‘acceptable’ when the evaluation team determines that all technical criteria have been met by the offeror’s proposal,” would be “rated ‘unacceptable’ when the evaluation team determines that one or more technical criteria have not been met,” and that the “[f]ailure to meet a requirement may result in an offer being determined ineligible for award.” RFP at 195-198.

The agency received 28 proposals in response to the solicitation, and included all of them in the competitive range. AR, Tab 26, Source Selection Decision, at 2. Two offerors withdrew from the competition, and after discussions, 26 offerors submitted final revised proposals. Id. The agency rated 14 of these proposals as “technically acceptable.” Id. at 4-7. Insignia-Spectrum’s final revised proposal was evaluated by the agency as “technically unacceptable,” based upon the agency’s determination that the proposal failed to adequately demonstrate Insignia-Spectrum’s understanding of certain of the agency’s requirements as evaluated under the systems sustainment subfactor under the technical factor. AR, Tab 22, Proposal Analysis Report, at 4-5. The agency ultimately awarded contracts to 12 offerors. AR, Tab 26, Source Selection Decision, at 7. After requesting and receiving a debriefing, Insignia-Spectrum filed this protest.

Insignia-Spectrum argues that the agency’s evaluation of its proposal as technically unacceptable under the systems sustainment subfactor under the technical factor was unreasonable and inconsistent with the solicitation’s terms.

In reviewing a protest challenging an agency’s evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency’s discretion since the agency is responsible for defining its needs and the best method of accommodating them. Smiths Detection, Inc.; Am. Sci. and Eng’g, Inc., B-402168.4 et al., Feb. 9, 2011,

2011 CPD ¶ 39 at 6. Rather, we will review the record only to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's mere disagreement with the agency's evaluation judgments does not render those judgments unreasonable. Smiths Detection, Inc.; Am. Sci. and Eng'g, Inc., *supra*, at 6-7.

The RFP included detailed proposal preparation instructions, and required that each offeror "provide a proposal for providing systems sustainment support" as detailed in a sample task order. Offerors were informed that their responses to the systems sustainment sample task order were to include their "methodologies, processes, tools and techniques for maintaining and ensuring interoperability, security, and performance of systems within development and operational environments." The RFP further provided here that each offeror's proposal "must describe methods and processes for conducting testing for the application, database, [and] operating system." RFP at 182.

The solicitation stated that the agency's evaluation of proposals under the systems sustainment subfactor would consist of an evaluation of "the offeror's solution for accomplishing the [s]ystems [s]ustainment [s]ample [t]ask [o]rder." Offerors were advised here that the agency would "evaluate the offeror's proposal to ensure it demonstrates an understanding of the work to be performed and proposes an effective solution," including whether the response to the systems sustainment sample task order "represents an appropriate mix of labor categories, reasonableness of labor hours, and an understanding of the knowledge, skills, abilities, and products needed to meet the requirements identified in the task order." RFP at 197.

As mentioned previously, the agency evaluated Insignia-Spectrum's proposal as technically unacceptable under the systems sustainment subfactor, and accordingly, technically unacceptable overall. In this regard, the agency's evaluation of initial proposals found that while Insignia-Spectrum's proposal provided methods and processes covering certain of the tasks set forth in the systems sustainment sample task order, it failed to include "methods and processes for conducting testing for the database and operating system [in accordance with] test plans" as required. AR, Tab 22, Proposal Analysis Report, at 4-5; Tab 24, Proposal Analysis Report, at 33, 140.

The record also reflects that Insignia-Spectrum was specifically informed during discussions that its proposed response to the systems sustainment sample task order was "incomplete," and that Insignia-Spectrum's "methods and processes [for] conducting testing for the database and operating system are needed." AR, Tab 11, Insignia-Spectrum First Round Evaluation Notices (EN), at 12.

The agency received and evaluated Insignia-Spectrum's revised proposal, and found that Insignia-Spectrum's proposed methods and processes for conducting testing for the database and operating system, as set forth in Insignia-Spectrum's response to discussions, "were high level and lacked detail." AR, Tab 15, Evaluation Assessment of Insignia-Spectrum's response to EN, at 4. During a second round of discussions, the agency informed Insignia-Spectrum of the agency's determination that Insignia-Spectrum's response was "high level and lacked detail," and requested that Insignia-Spectrum provide "detailed methods and processes for conducting testing for operating system and database." AR, Tab 17, Insignia-Spectrum's Second Round EN, at 7.

The agency subsequently received Insignia-Spectrum's final revised proposal, and found that Insignia-Spectrum's methods and processes, as set forth in its final revised proposal, were "not sufficient to conduct database and operating system testing." AR, Tab 22, Consensus Evaluation of Insignia-Spectrum's Technical Proposal, at 4. In this regard, the agency noted here that while Insignia-Spectrum's final response to the systems sustainment sample task order included more detail, it still "did not provide detail on how database and operating system testing are conducted." Id. The agency concluded that given the extent of its discussions with Insignia-Spectrum regarding the need for a response that provided detail as to Insignia-Spectrum's proposed approach in this area, and Insignia-Spectrum's continued failure to provide such detail, Insignia-Spectrum "does not understand the work as it relates to methods and processes for conducting testing for the database and operating system." Id. at 5; AR, Tab 24, Proposal Analysis Report, at 140. The agency thus evaluated Insignia-Spectrum's proposal as technically unacceptable.

The protester, despite having access under our protective order to, among other things, the initial evaluation of its proposal under the systems sustainment subfactor, the evaluation of its responses to the first and second rounds of discussions, the relevant sections of the agency's final proposal evaluation report, and the agency's source selection document, does not challenge these narrative evaluations or substantively respond to the agency's determination. Based upon our review of the record, we find no basis to object to the agency's determination that Insignia-Spectrum's response to the systems sustainment sample task order, as set forth in its final revised proposal, was inadequate and reflected a lack of understanding. Consequently, the agency's rejection of Insignia-Spectrum's proposal as technically unacceptable was reasonable.

While the protester asserts that the rejection of its proposal as unacceptable was not consistent with the terms of the solicitation, the RFP stated that each offeror's proposal "must describe methods and processes for conducting testing for the application, database, [and] operating system," which would be evaluated under the systems sustainment subfactor, and that an offeror's failure to meet this criterion, as Insignia-Spectrum did here, would result in a rating of technically unacceptable. RFP at 182, 195, 197.

The protester also argues that the agency's discussions, regarding its concerns with Insignia-Spectrum's methods and processes for conducting testing for the database and operating system, were not meaningful and were misleading. The protester, in commenting on the agency report, states, without explanation, that "[t]he Air Force's response to Insignia-Spectrum's Protest affirms that its discussions with Insignia-Spectrum were misleading." Protester's Comments at 5.

The requirement that discussions be meaningful does not obligate an agency to spoon-feed an offeror. ITT Fed. Sys. Int'l. Corp., B-285176.4; B-285176.5, Jan. 9, 2001, 2001 CPD ¶ 45 at 7. That is, in order for discussions to be meaningful, the agency need only lead an offeror into the areas of its proposal requiring amplification or revision. Id.

Here, as set forth above, the agency clearly made Insignia-Spectrum aware of its concerns with Insignia-Spectrum's methods and processes for conducting testing for the database and operating system. As such, the agency fulfilled its obligation to conduct meaningful discussions. In short, the protester has not explained why, in light of the record here, it believes that the discussions were misleading.

The protest is denied.

Lynn H. Gibson
General Counsel