

Decision

Matter of: Zeichner Risk Analytics

File: B-407973

Date: May 3, 2013

Lee M. Zeichner for the protester.
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DIGEST

Protest challenging agency's evaluation of protester's proposal is denied where the record establishes that the evaluation was reasonable and consistent with the solicitation's evaluation criteria.

DECISION

Zeichner Risk Analytics (ZRA), of Arlington, Virginia, protests the award of a contract to Nexight Group, of Silver Spring, Maryland, under request for proposals (RFP) No. HSHQDC-12-R-00089 issued by the Department of Homeland Security for infrastructure program studies and analysis support services. The protester contends that the agency's evaluation of its proposal was unreasonable.

We deny the protest.¹

BACKGROUND

The RFP, issued on July 18, 2012, as a small business set-aside, contemplated the award of a contract to provide technical expertise and analytic support services related to national critical infrastructure protection, public/private partnership, and

¹ Because a protective order was not issued in connection with the protest, our decision is necessarily general.

information sharing.² RFP at 1. The RFP's statement of work (SOW) established performance tasks for technical research, analysis and related support involving 18 critical infrastructure (CI) sectors (i.e., food and agriculture; banking and finance; chemical; commercial facilities; communications; critical manufacturing; dams; defense industrial base; emergency services; energy; government facilities; healthcare and public health; information technology; national monuments and icons; nuclear reactors, material and waste; postal and shipping; transportation systems; and water). Id., SOW at 2; Agency Report at 3.

The contract was to be awarded to the offeror with the proposal that represented the best value to the government considering price and the following non-price factors, listed in descending order of importance: (1) technical approach and understanding; (2) management approach and capabilities; and (3) past performance. RFP Attach. 3 at 5. The non-price factors combined were to be significantly more important than price. Id. As a general matter, the RFP instructed offerors to sufficiently detail and demonstrate their compliance with, and capability to perform, the solicitation requirements. Id. at 1, Attach. 2 at 55.

Under the management approach and capabilities factor, as it relates to this protest, offerors were to describe their organization/team, management approach and capabilities "to include depth and breadth of skills, experience, and personnel." Id. Proposals were to include a staffing plan describing the offerors' current personnel resources, capabilities and experience related to the SOW tasks, and a proposed labor mix to conduct the SOW tasks and produce any deliverable. RFP Attach. 3 at 1-2, 5. The RFP also specifically advised that project managers were to have "technical expertise in national CI protection policy and strategy as well as [s]tate/local government CI program operations and structures." RFP Attach. 2 at 8.

In response to the solicitation, the agency received and evaluated nineteen proposals, including those from ZRA and Nexight Group. ZRA's proposal received ratings of "satisfactory" for technical approach and understanding, "poor" for management approach and capabilities, and "acceptable" for past performance. The evaluators found significant weaknesses in ZRA's proposal under the management approach and capabilities factor due to a lack of detail. Specifically, the evaluators indicated that ZRA failed to provide sufficient information regarding its staffing plan, intended labor mix, qualifications of personnel, and experience to demonstrate the firm's capability to perform the SOW tasks. For instance, the evaluators found inadequate support in the proposal for the protester's indication that proposed staff were subject matter experts in all 18 CI sectors. Due to the limited and only general capability information provided, the evaluators were unable to assess, for example, if required labor category qualifications were met. The

² The RFP anticipated the award of a time-and-materials and cost reimbursement contract for a 6-month base period and 3 option years. RFP Attach. 2 at 9, 16.

evaluators also found that the protester's proposed program manager's resume "did not demonstrate experience in critical infrastructure [s]tate/local government program operations and structure." Consensus Evaluation Report at 22-23.

The Nexight Group, which received substantially higher ratings for its technical proposal than did ZRA, offered a slightly higher price than the protester. Based on its technical advantages, the agency determined that Nexight's proposal offered the best value and awarded it the contract, valued at approximately \$8 million. After a debriefing, ZRA filed this protest.

DISCUSSION

ZRA argues that the agency improperly evaluated its technical proposal under the management approach and capabilities factor. In response to the evaluators' finding that the protester's technical proposal lacked adequate detail regarding its proposed staffing plan and labor mix to perform the stated SOW tasks, ZRA asserts that the RFP did not require a detailed staffing plan or identification of its labor mix on a per task basis. According to ZRA, its proposal adequately demonstrated compliance with the requirements by indicating that its personnel had a variety of CI-related experience and that it was capable of performing the work included in the RFP.

In reviewing protests of alleged improper evaluations and source selections, our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the solicitation's stated evaluation criteria and applicable procurement laws. See Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's responsibility to submit an adequately written proposal that establishes its capability and the technical merits of its proposed approach, and allows for a meaningful review by the procuring agency in accordance with the evaluation terms of the solicitation. See Verizon Fed., Inc., B-293527, Mar. 26, 2004, 2004 CPD ¶ 186 at 4. A protester's mere disagreement with the evaluation provides no basis to question the reasonableness of the evaluators' judgments. See Citywide Managing Servs. of Port Washington, Inc., B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 10-11. Our review of the record confirms the reasonableness of the challenged evaluation.

As an initial matter, we reject the protester's suggestion that the solicitation did not require offerors to detail their staffing plan and labor mix on a per task basis. Under the management approach and capabilities factor, as noted above, the RFP instructed offerors to provide a staffing plan with a description of their personnel resources to address their capabilities and experience "relating to the SOW," and required each offeror to identify the "labor mix required to conduct the tasks and produce any deliverable." RFP Attach. 3 at 1-2. In this regard, the RFP included qualification requirements for specific labor categories (e.g., program manager, subject matter expert, strategic analyst, technical writer, and facilitator), and

identified the type of work to be provided by these labor categories. Additionally, to serve as a guideline in drafting proposals, the RFP included level of effort estimates for the labor categories per SOW task, based on historical data. RFP Amend. No. 1 at 2; Amend. No. 4 at 2 (indicating that proposed labor mixes were to relate to the stated SOW tasks and deliverables).

Notwithstanding the solicitation's requirement for sufficiently detailed information to establish an offeror's ability to properly staff and meet the requirements of each task, the record reflects that ZRA's proposal only generally indicated that staff performing the work would be experienced in various CI-related areas. As the agency reports, ZRA's proposal does not demonstrate specific experience performing the same SOW tasks or expertise in all 18 CI sectors. In light of the express terms of the solicitation, we have no basis to question the reasonableness of the agency's conclusion that the general representations in ZRA's proposal--regarding its experience, the capabilities of its team, and its staffing approach--failed to demonstrate ZRA's capability to perform the SOW's specific tasks, and that the proposal warranted a significant weakness for this reason.

Additionally, the record confirms the reasonableness of the evaluators' finding that ZRA's project manager lacked knowledge and experience in state/local government CI matters. ZRA's contention that the agency should have assumed the individual had such technical expertise because his resume lists "national" CI experience is unpersuasive. According to ZRA, "[w]ithin the CI community, the term national is used--as opposed to [f]ederal--to fully and necessarily integrate [f]ederal as well as [s]tate and local" efforts. Protester's Comments at 2. As noted above, however, the RFP required offerors to provide project managers with state/local government CI technical expertise, as well as national experience. Thus, where the resume for ZRA's project manager references "national" CI experience, but does not reference any state or local government CI experience, the agency reasonably concluded that the proposal did not demonstrate the requisite experience and properly considered the omission a weakness. As previously explained, it is an offeror's responsibility to submit an adequately written proposal that establishes its capability and the technical merits of its proposed approach, and allows for a meaningful review by the procuring agency in accordance with the evaluation terms of the solicitation. Verizon Fed., Inc., supra.

We have also fully reviewed ZRA's additional contentions and conclude that none presents a valid basis of protest to question the agency's evaluation. For example, there is no basis for ZRA's contention that its ratings under the other factors (*i.e.*, technical approach and understanding, and past performance) demonstrate that it should have been rated higher under management approach and capabilities. Management approach and capabilities was a separate and distinct evaluation factor, and, moreover, ZRA has not shown that the missing information was provided elsewhere in its proposal. Further, while the protester contends its past performance rating should have been higher than "acceptable" because its proposal

stated ZRA's team has experience in a wide range of CI-related work, the protester has not provided evidence to refute the finding that its past performance did not involve all CI sectors. Moreover, as the agency points out, the largest past performance contract cited by the firm had a significantly lower dollar value than the current RFP. Lastly, the protester has provided no factual support for its allegation that its proposal was evaluated on an unequal basis compared to other offerors. Bid Protest Regulations, 4 C.F.R. §§ 21.1(c)(4) and (f) (2013).³

The protest is denied.

Susan A. Poling
General Counsel

³ Since the record shows that the evaluation of ZRA's proposal was reasonable and that another firm (which received a higher technical rating than ZRA and offered a lower price) would be in line for award before ZRA, the protester lacks standing to challenge the agency's evaluation of and award to Nexight. 4 C.F.R. § 21.0(a)(1); see e.g., McDonald Construction Servs., Inc., B-285980, B-285980.2, Oct. 25, 2000, 2000 CPD ¶ 183 at 11.