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Decision

Matter of: ICF Incorporated, LLC
File: B-407273.17; B-407273.19
Date: December 19, 2013

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Philip J. Davis, Esq., Tracye Winfrey Howard, Esq., and Benjamin J. Kohr, Esq., Wiley Rein LLP, for Baum Romstedt Technology Resource Corporation, an intervenor.

Charles K. Bucknor, Jr., Esq., Department of Homeland Security, for the agency. Noah B. Bleicher, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the award decision and evaluation of proposals under solicitation's corporate experience factor is denied where evaluation was reasonable and in accord with the terms of the solicitation.

DECISION

ICF Incorporated, LLC, of Fairfax, Virginia, protests the Department of Homeland Security's (DHS) decision not to award the firm a contract under solicitation No. HSHQDC-11-R-10001, issued by DHS for information technology services. The protester challenges DHS's evaluation under the solicitation's corporate experience factor and the agency's source selection decision.

We deny the protest.

BACKGROUND

The request for proposals (RFP), issued on November 1, 2010, is for the second generation of DHS's enterprise acquisition gateway for leading edge solutions (EAGLE II) program. The RFP provided for multiple awards of indefinite-delivery/indefinite-quantity contracts under which fixed-price, cost-reimbursement,

time and materials, or labor hour task orders for department-wide information technology services could be issued.¹ RFP at 2, 91. The RFP, which had an unrestricted and a small business set-aside track, provided for a “manageable number of awards” under each track, each of which was for a 5-year base period with a single 2-year option period. Id. at 2, 106. Within each track, offerors competed for awards in one of three functional categories (FC): service delivery (FC1); information technology (IT) program support services (FC2); and independent test, validation, verification and evaluation (FC3). Id. at 10, 106.

This protest concerns the agency’s evaluation of ICF’s proposal in the FC2 IT program support services unrestricted track. Under the solicitation, FC2 contractors were to provide a “full range of business and technical management services.” Id. at 12. Of relevance to this protest, the RFP’s statement of work identified 15 areas of IT policy and planning encompassed in the FC2 track, “including, but not limited to, capital planning, strategic planning, workforce planning, budget execution, performance management, enterprise architecture, data management, information sharing, information security, training, enterprise resource management, business process re-engineering, IT transformation and strategy, organizational change management, and program management office support.” Id.

The RFP advised offerors that awards would be made on a best-value basis considering price and the following non-price factors, listed in descending order of importance: corporate experience, past performance, program management, staffing, and small business participation approach. Id. at 106-107. The non-price factors, when combined, were “significantly more important than price.” Id. at 107. Pursuant to the RFP, awards would be made to the offerors whose proposals were deemed most advantageous to the government. Id. at 105.

The RFP provided detailed instructions for the preparation of proposals under each evaluation factor. As relevant here, for the corporate experience factor, the RFP instructed the offeror to “describe its qualifications and detail its specific experience conducting work of the same and/or similar nature” to that described in the RFP’s statement of work. Id. at 97. The offeror was required to include with its proposal: (a) “a narrative statement of its qualifications for being a prime contractor on EAGLE II and what expected benefit DHS will derive,” and (b) “five examples of corporate experience information for active or complete ‘relevant/recent’ contracts/task orders and/or subcontracts . . . directly related to the services identified in the proposed FC.”² Id. The RFP required that at least one of the five corporate experience

¹ The RFP was amended 15 times during this procurement.

² Recent was defined in the RFP as within the last 3 years from the date of release of the RFP. Relevant was defined as work which is the same and/or similar in complexity and scope to the work described in an EAGLE II FC. RFP at 97.

examples be from the prime offeror (as opposed to other core team members) and that one of the experiences demonstrate the offeror's use of "creative solutions or innovations in achieving or exceeding customer objectives." Id. The RFP required the offeror to provide specific information for each corporate experience project, including, for example, the project value, contract type, and start and completion date. Id. at 98. Additionally, the offeror was to provide a project description for each corporate experience example, in which the offeror was instructed to:

Identify the prime or core team member that performed the work.
Describe the key objectives of the project, including the scope and complexity of the efforts and how the customer benefited operationally or strategically. Describe any other aspects of the project to demonstrate its relevance to being a DHS EAGLE II Contractor.
Describe the applicable prime/member's role in the project and the challenges and lessons learned from your experience as the prime or subcontractor. Describe the integration of resources into the customer's environment.

Id.

In evaluating proposals under the corporate experience factor, the RFP provided that DHS would consider the extent to which the offeror had demonstrated the "qualifications and corporate experience to be an EAGLE II contract holder in performing work of the same or similar nature as that of the EAGLE II requirements in the proposed FC." Id. at 107. The RFP further stated that the agency would evaluate any creative or innovative solutions the offeror applied to achieve or exceed customer objectives. Id. The source selection evaluation plan advised that the agency would document the strengths,³ weaknesses, and deficiencies under the evaluation factor and assign the proposal an adjectival rating of superior, good, satisfactory, marginal, or unsatisfactory.⁴ Agency Report (AR), Tab 5(a), Source Selection Evaluation Plan, at 16-17, 29-30.

³ As relevant here, the source selection evaluation plan defined a strength as [deleted]. AR, Tab 5(a), Source Selection Evaluation Plan, at 28.

⁴ The source selection evaluation plan defined a superior proposal as one that [deleted]. AR, Tab 5(a), Source Selection Evaluation Plan, at 29 (emphasis in original). The source selection evaluation plan further stated that a superior proposal may be characterized by [deleted]. Id. In contrast, a satisfactory proposal was defined as one that [deleted]. Id. (emphasis in original). The source selection evaluation plan stated that a satisfactory proposal may be characterized by [deleted]. Id.

Twenty-eight offerors, including ICF, submitted proposals in the unrestricted track for FC2. AR, Tab 21, Source Selection Evaluation Board (SSEB) Report, at 9. A technical evaluation panel (TEP) evaluated the technical proposals and assigned adjectival ratings under each of the factors. A business management and price evaluation panel (BMPEP) evaluated price proposals for accuracy, completeness, and reasonableness. AR, Tab 5(a), Source Selection Evaluation Plan, at 19. ICF’s proposal was rated as follows:

	Corporate Experience	Past Performance	Program Management	Staffing	Small Business Participation	Total Evaluated Price
ICF	Satisfactory	Excellent	Good	Superior	Good	\$478,621,711.79

See AR, Tab 21, SSEB Report, at 10. In assigning ICF’s proposal a satisfactory rating under the corporate experience factor, the TEP concluded that the proposal was “proficient and [ICF] demonstrate[d] the capability to perform the [FC2] services.” AR, Tab 21, attach. B, appendix 2, Individual Offeror Consensus Report, at 88. According to the TEP, ICF’s corporate experience examples met the RFP’s requirements, which indicated that the firm “as a whole, can perform the full range of [FC2] services or tasks listed in the RFP. . . .” Id. Additionally, the TEP found that ICF’s corporate experience examples demonstrated “challenges, lessons learned and how [ICF] integrated its resources into the Customer environment.” Id. The TEP also assigned the proposal a strength for the creative and innovative solutions discussed in three of the firm’s five corporate experience examples. Id. at 88-89. With regard to ICF’s five corporate experience examples and the firm’s narrative statement for the factor, the TEP concluded that ICF met the RFP’s requirements; no additional strengths were assigned.⁵ Id. at 89-90.

The TEP and BMPEP presented their consensus findings in reports to the source selection evaluation board (SSEB). The SSEB reviewed the technical and price findings and conducted a “comparative analysis of the proposals considered among the most highly rated.” AR, Tab 21, SSEB Report, at 4. In its report, the SSEB first sorted the offerors by their technical ratings. Id. at 10. To identify the most highly-rated proposals, the SSEB ranked the offers by descending order of importance of the non-price factors. That is, offers rated highest in the most important factor under the RFP--corporate experience--were ranked ahead of those with lower corporate experience ratings; offers with the same corporate experience rating were then ranked by past performance rating; offers with the same past performance ranking were then ranked by the ratings in the remaining factors. Id.

⁵ Under the source selection evaluation plan, if the [deleted] then a “Meets Requirement” was assigned. AR, Tab 5(a), Source Selection Evaluation Plan, at 28

Based on this methodology, ICF's proposal was ranked 17 out of 27 for the non-price factors.⁶ Moreover, 18 of the 27 offerors proposed a lower price than ICF. Id.

Thereafter, the SSEB conducted a tradeoff analysis to determine whether the agency should award to other than the highest technically-rated offerors or the lowest-priced offerors. Id. The SSEB first determined that an initial group of 11 proposals were the highest-rated, considering both the non-price and price factors. Id. at 11. With regard to ICF's proposal, the SSEB compared it to the 11 proposals in this initial grouping. Id. at 49-51. The SSEB noted that the 11 proposals all were rated higher than ICF under the most important non-price factor, corporate experience; all but one were rated the same as ICF under the second most important factor, past performance.⁷ See id. Although 2 of the 11 proposed a higher price than ICF, the SSEB concluded that ICF "did not represent a higher value than the compared offerors," and the SSEB did not recommend award to ICF. Id. at 51.

Following a similar analysis comparing the initial group of 11 with each of the other proposals, the SSEB determined that the initial grouping of 11 proposals represented the best value to the agency. Id. at 64. Therefore, the SSEB recommended to the source selection authority (SSA) that these 11 firms receive awards. Id. at 64-65. The SSA reviewed the SSEB's report and agreed with its assessments and award recommendations. AR, Tab 22, Source Selection Decision Memorandum, at 1. With regard to ICF's proposal, the SSA concluded that ICF "did not present a sufficient combination of non-price and price attributes to be considered to represent the best value to the government." Id. at 14. Instead, the SSA determined that the 11 proposals recommended for award were the "most highly rated and qualified Offerors to support the EAGLE II program" and award was made to these offerors on July 31, 2013. Id. at 15; Contracting Officer's Statement at 2.

On August 1, DHS notified the protester that it had not been selected for award. ICF timely requested a debriefing, which the agency provided on August 23. AR, Tab 25, Debriefing Letter to ICF, at 1-7. This protest followed.

⁶ One offeror of the 28 that submitted proposals withdrew its proposal.

⁷ The ratings under the other factors varied. Seven of the 11 proposals were rated the same or higher than ICF under the program management factor, 10 received the same superior rating as ICF under the staffing approach factor, and five were rated the same or higher than ICF under the least important factor, small business participation approach. AR, Tab 21, SSEB Report, at 50

DISCUSSION

ICF challenges the agency's evaluation of its technical proposal under the corporate experience factor. Specifically, the protester asserts that the agency "under counted" the number of FC2 services that were related to ICF's corporate experiences. Comments/Supplemental Protest at 11. ICF argues that it deserved a higher rating because its corporate experience examples related to more FC2 services than did some of the awardees'. Id. at 24. ICF also challenges the best value decision. Id. at 35.

In reviewing an agency's evaluation of proposals and source selection decision, it is not our role to reevaluate submissions; rather, we examine the supporting record to determine whether the decision was reasonable, consistent with the stated evaluation criteria, and adequately documented. Trofholz Techs., Inc., B-404101, Jan. 5, 2011, 2011 CPD ¶ 144 at 3; Johnson Controls World Servs., Inc., B-289942, B-289942.2, May 24, 2002, 2002 CPD ¶ 88 at 6. A protester's disagreement with the agency's evaluation judgments, or with the agency's determination as to the relative merits of competing proposals, does not establish that the evaluation or the source selection decision was unreasonable. Smiths Detection, Inc.; Am. Sci. & Eng'g, Inc., B-402168.4 et al., Feb. 9, 2011, 2011 CPD ¶ 39 at 6-7; ITW Military GSE, B-403866.3, Dec. 7, 2010, 2010 CPD ¶ 282 at 5.

The premise of ICF's protest is that the agency's basis for assigning strengths under the corporate experience factor was simply the number of FC2 services--the 15 identified in the statement of work--that were directly related to the offeror's corporate experience examples. Comments/Supp. Protest at 17, 25; see RFP at 12. ICF complains that in assigning its proposal a satisfactory rating under the corporate experience factor, DHS "under counted" the number of FC2 services that ICF identified in its corporate experience examples. Id. at 11.

The protester's characterization of the agency's evaluation of corporate experience differs from what was required under the solicitation. As discussed above, in assessing corporate experience, the RFP required the agency to evaluate both an offeror's "qualifications and corporate experience to be an EAGLE II contract holder. . . ." RFP at 107; see also AR, Tab 5(a), Source Selection Evaluation Plan, at 11-12. In this respect, the RFP required offerors to include in their corporate experience submissions more than a simple list of the services performed that mirrored those contemplated by the EAGLE II statement of work. As detailed above, offerors were instructed to describe various qualitative aspects of the corporate experience project, including, for instance, the scope and complexity of the project, how the customer benefited from offeror's participation, and lessons learned. RFP at 98. As such, the RFP required the agency's evaluation to go beyond consideration of the number of FC2 services identified in an offeror's corporate experience example.

We have reviewed the record in its entirety and conclude that the agency's evaluation under the corporate experience factor was reasonable and in accord with the solicitation. Specifically, in considering the type of work contemplated by the performance work statement that offerors had previously performed, the agency assessed both the experience and the offerors' overall qualifications. DHS did not rely solely on a mathematical "raw count" of FC2 services identified in the submissions, as the protester asserts. See Supp. Comments at 11.

For example, in assigning a strength to one of the awardee's corporate experience examples, the TEP noted that:

[T]he Offeror defined a multi-million dollar (classified) executable production program within available budget, resolved a \$500M program discrepancy, and delivered critically-needed battle management capabilities on-time and within budget. Operationally, it led efforts to resolve significant cost differences between contractor proposal and program budget, resulting in an identification of \$250M in cost reductions and savings opportunities in contractor's proposal.

AR, Tab 21, attach. B, appendix 2, Individual Offeror Consensus Report, at 178. While the TEP recognized that the example described work included in 12 of the 15 FC2 service areas, the agency's review captured more than the single fact that the awardee had performed multiple categories of work. In accordance with the RFP, the TEP focused on various qualitative aspects of the corporate experience in its evaluation of other awardees' submissions. For one, the TEP noted that the "projects led to significant achievements and positive results" and that the offeror "leverag[ed] time from other . . . staff at no additional cost, saving the government approximately \$5M in avoided labor costs." Id. at 39. In another assessment, the TEP highlighted that the offeror's "innovations allowed DHS to significantly reduce the time required to release new enhancements to the stakeholder community while ensuring program activities are aligned with Federal and DHS priorities." Id. at 260.

These narratives, and others throughout the TEP report, demonstrate that in evaluating offerors' corporate experience, DHS did not rely, nor should they have relied, solely on a "raw count" of FC2 services identified in the examples, as the protester contends. The TEP report reflects a qualitative assessment of the merits of the proposals, consistent with the RFP. The agency reasonably assigned strengths where an element of the proposal exceeded a requirement of the solicitation in a beneficial way to the government.⁸ See AR, Tab 5(a), Source

⁸ With regard to its own evaluation, ICF complains that DHS "ignored" FC2 services that are, in its view, directly relevant to its corporate experience example. Protest at 15; Comments/Supp. Protest at 11-12, 18-24. The agency maintains that it considered the entirety of ICF's proposal and evaluated the extent to which ICF

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Selection Evaluation Plan, at 28. We conclude that the protester's complaints regarding the specific number of FC2 services performed, and its arguments related thereto, do not provide a basis to sustain its protest.

Lastly, ICF challenges the agency's best value award decisions. Protest at 42; Comments/Supp. Protest at 33-36.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and cost evaluation results; cost/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the evaluation criteria. World Airways, Inc., B-402674, June 25, 2010, 2010 CPD ¶ 284 at 12. Where a cost/technical tradeoff is made, the source selection decision must be documented, and the documentation must include the rationale for any tradeoffs made, including the benefits associated with additional costs. Federal Acquisition Regulation (FAR) § 15.308; The MIL Corp., B-297508, B-297508.2, Jan. 26, 2006, 2006 CPD ¶ 34 at 13. However, there is no need for extensive documentation of every consideration factored into a tradeoff decision, nor is there a requirement to quantify the specific cost or price value difference when selecting a higher-priced higher-rated proposal for award. FAR § 15.308; Advanced Fed. Servs. Corp., B-298662, Nov. 15, 2006, 2006 CPD ¶ 174 at 5.

Here, our review of the record shows that the SSEB tradeoff analysis and the source selection decision memorandum set forth a well-reasoned basis for a tradeoff that justified making awards to the 11 highest-rated offerors. As explained above, the SSEB established an initial group of the 11 highest-rated proposals based on price and the non-price factors. AR, Tab 21, SSEB Report, at 10. The SSEB then conducted a "comparative analysis" of this group of 11 and each of the other 16 proposals, including ICF's. Id. at 4. The SSEB recognized that ICF's proposal--the 17th highest ranked--was assigned higher ratings than some of the 11 proposals in a few of the evaluation factors, primarily the program management and small business participation approach factors. Id. at 50-51. However, the SSEB noted that "[d]espite any superiority that [ICF] had in the Program Management, Staffing or Small Business Participation factor in comparison to one or more of

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demonstrated the qualifications and corporate experience contemplated by the RFP. Contracting Officer's Statement at 4; see RFP at 107; AR, Tab 5(a), Source Selection Evaluation Plan, at 11-12. The protester's arguments that it should have received additional strengths on the basis of the FC2 services performed, and therefore a higher factor rating, reflect its disagreement with the agency's evaluation conclusions, but provide no basis to sustain the protest. See Comments/Supp. Protest at 19, 20-21, 22, 23, 24.

these offerors, it was rated lower . . . in the most important non-price factor” and it had a higher evaluated price than nine of the 11. Id. at 51. Following similar comparisons between the group of 11 proposals and the other offers, the SSEB recommended to the SSA that award be made to the 11 firms.⁹ Id. at 64.

In the source selection decision memorandum, the SSA wrote, “I agree with the SSEB’s assessment and recommendations regarding these [11] offerors because I believe that the tradeoff analysis reasonably and properly articulated the benefits, business judgments, and tradeoffs associated with awarding to the aforementioned offerors.” AR, Tab 22, Source Selection Decision Memorandum, at 1. The SSA then summarized the evaluation results of each of the 11 proposals selected for award, highlighting the strengths and benefits the proposals offered to the government. Id. at 4-14. The SSA also explained why each of the remaining proposals did not represent the best value to the agency. Id. at 14-15. In our view, the SSEB’s tradeoff analysis and the SSA’s memorandum reflect a reasonable, adequately documented source selection decision. We see no basis to question the agency’s determination that the 11 highest-rated proposals represented a better value to the government than did ICF’s proposal. In sum, we find reasonable the agency’s evaluation under the corporate experience factor and conclude that its award decision was unobjectionable.¹⁰

The protest is denied.

Susan A. Poling
General Counsel

⁹ ICF specifically questions why the lowest-ranked proposal in the group of 11-- which was rated satisfactory under the past performance factor--was selected for award over ICF. Comments/Supp. Protest at 34-35. In its report, the SSEB acknowledged ICF’s excellent past performance rating, but also recognized that this other proposal was rated higher in the corporate experience factor (having received a good rating). AR, Tab 21, SSEB Report, at 50. (ICF and the lowest-ranked proposal of the 11 received the same ratings in the remaining non-price factors.) Moreover, this offeror’s total evaluated price was \$341,565,061.17, which the SSEB noted was 40.13 percent lower than ICF’s proposed price of \$478,621,711.79. Id. The SSEB concluded that ICF’s “technical superiority” in the past performance factor was “not enough to overcome its significantly higher [evaluated price].” Id.

¹⁰ In its initial protest, ICF raised additional arguments related to the agency’s evaluation under the program management and small business participation approach factors. See Protest at 29-37. In response to information included in the agency’s report, ICF “elected not to continue to pursue [these] grounds of protest.” Comments/Supp. Protest at 13. Accordingly, these claims were not considered further.