Decision

Matter of: Telos Corporation

File: B-412058; B-412058.2; B-412058.3

Date: December 14, 2015

Nathanael D. Hartland, Esq., Katherine B. Burrows, Esq., and Joseph G. Billings, Esq., Miles & Stockbridge PC, for the protester.
Karen R. Harbaugh, Esq., Robert E. Gregg, Esq., and John Sharp, Esq., for the intervener.
Debra J. Talley, Esq., and Scott A. Johnson, Esq., Department of the Army, U.S. Army Materiel Command, for the agency.
Mary G. Curcio, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging evaluation of proposals of protester and awardee is denied where evaluation was reasonable and in accordance with the solicitation evaluation criteria.

DECISION

Telos Corporation, of Ashburn, Virginia, protests the Department of the Army’s issuance of a task order to NetCentrics Corporation, of Herndon, Virginia, under request for quotations (RFQ) No. W52P1J-15-R-CASD, for computing and application services to support the United States Army Information Technology Agency (USAITA), Operations (OPS) Computing and Applications Services Division (CASD). Telos asserts that the agency unreasonably evaluated proposals.

We deny the protest.

BACKGROUND

The RFQ was issued pursuant to Federal Acquisition Regulation (FAR) Part 8 to offerors holding General Services Administration (GSA), Federal Supply Service (FSS) contracts under Schedule 70. The successful vendor will be required to provide all personnel and non-personal services necessary to operate and maintain the OPS CASD and Installation Processing Node environments, including server
management and mainframe services, systems security support, and specialized system management services, such as space management, configuration management, and other operational support services. RFP, Performance Work Statement (PWS), § 2.0. In total, the PWS described 48 tasks and subtasks.

The RFQ provided that the agency would issue a task order to the vendor that received an acceptable security rating and represented the best value, considering the following evaluation factors: technical; management, with subfactors for management approach, staffing, transition plan, and quality control plan; past performance; and price.1 RFP at 3, 20-21. Technical was more important than management, while management was more important than past performance. The non-price factors, when combined, were significantly more important than price. RFP at 21.

Four vendors responded to the RFQ. Following the evaluation of initial quotations, and exchanges with vendors, the agency requested the submission of final quotations. NetCentrics’ final quotation was rated outstanding for the technical factor, acceptable for the management factor and each management subfactor, and substantial confidence for past performance, while Telos’ was rated good for the technical factor, acceptable for the management factor and each management subfactor, and substantial confidence for past performance. In addition, NetCentrics’ price ($52,696,029) was lower than Telos’s ($79,989,057). Source Selection Decision (SSD) at 5. The agency concluded that NetCentrics’ quotation represented the best value on the basis that it was superior to Telos’ under the non-price factors and lower-priced. Upon learning of the resulting issuance of the task order to NetCentrics, and after receiving a debriefing, Telos filed this protest with our Office.

DISCUSSION

Telos challenges the agency’s evaluation of NetCentrics quotation under each of the evaluation factors. Telos also challenges the agency’s evaluation of its quotation under the technical and management factors.

In reviewing a protest challenging an agency’s evaluation, our Office will not reevaluate the quotations; rather, we will examine the record to determine whether the agency’s conclusions were reasonable and consistent with the terms of the

1 The available ratings for the technical factor, and management factor and subfactors were outstanding, good, acceptable, marginal, or unacceptable. The solicitation provided for contracts submitted for past performance to be rated relevant or not relevant. The available ratings for past performance were substantial confidence, satisfactory confidence, limited confidence, non-confidence, or unknown confidence. RFP, Att. 3, at 22-26.
solicitation and applicable procurement statutes and regulations. *InnovaTech, Inc., B-402415, Apr. 8, 2010, 2010 CPD ¶ 94 at 4.* A protester’s disagreement with the agency’s judgment, without more, is not sufficient to establish that the agency acted unreasonably. *Encompass Group LLC, B-310940.3, Mar. 17, 2009, 2009 CPD ¶ 60 at 3.* Here, we have reviewed all of Telos’ allegations and find that none provides a basis to sustain the protest. We discuss several of the arguments below.

NetCentrics Past Performance

Telos asserts that NetCentrics should not have been assigned a substantial confidence rating under the past performance factor. According to the protester, NetCentrics could only be rated substantial confidence if it had relevant past performance with respect to every task listed in the PWS. Telos asserts that NetCentrics does not have any past performance administering, configuring, and managing large automated messaging handling systems (AMHS), such as the highly specialized active-active multi-clustered and geographically dispersed systems operated by the agency and covered under the current solicitation. Telos acknowledges in this regard that NetCentrics has past performance with an AMHS system for the Coast Guard, but asserts that the Coast Guard system is smaller, less complex, and a qualitatively different implementation of the AMHS system than that which will be utilized under the current task order. Telos further asserts that while the agency considered additional past performance information submitted for NetCentrics and its four major subcontractors, none of these contracts covers all areas of the PWS. Thus, according to Telos, NetCentrics should have been rated limited or unknown confidence for past performance.

While Telos asserts that an offeror could be rated substantial confidence for past performance only if it demonstrated past performance with respect to each task and subtask listed in the performance work statement, nothing in the solicitation supports such a restrictive past performance approach. In this regard, the solicitation instructed offerors to submit up to three recent (within the past three years) past performance references for the prime contractor and up to two references for each major subcontractor. *RFP, Att. 3, at 12.* These contracts would be assigned a relevance rating of relevant or not relevant. *Id.* at 26. “Relevant” was defined as: “The performance effort involved essentially the same, similar and some of the scope and magnitude of effort and complexity as this RFQ requires.” *Id.* Likewise, the solicitation elsewhere indicated that:

> Relevant services are defined as performance that demonstrate the Contractor and its identified [joint venture] member(s)/partner(s) have successfully performed on contracts or projects on contracts that have the same; or similar and some of the scope and magnitude of effort and complexities as this RFQ requires.
In contrast, the solicitation defined “Not Relevant” as: “The performance effort involved little or none of the scope and magnitude of effort and complexity as this RFQ requires.” Id. Thus, under the solicitation, a contract could be rated as relevant so long as it included at least “some of the scope and magnitude of effort and complexity as this RFQ requires.” Id.

In this regard, the agency found that each of the past performance references submitted on behalf of NetCentrics or its subcontractors represented at least some of the scope and magnitude of effort of the current solicitation and assigned them a relevant rating. Since Telos has not shown these contracts are not relevant as defined by the solicitation, we see no basis to question the agency’s evaluation of NetCentrics’ past performance.²

NetCentrics Technical Evaluation

Telos asserts that NetCentrics should have been rated unacceptable (rather than outstanding) under the technical factor. Specifically, Telos argues that NetCentrics “lacks expertise and understanding of how to administer, manage, and configure [the Telos] AMHS in complex, large scale active-active geographically dispersed clusters” such as utilized by the agency. Protest at 7-8, 10.

We find that the evaluation was reasonable. With respect to the technical factor, the solicitation instructed each vendor to “describe its technical approach and methodology, as well as its understanding of the scope, risks, constraints, and

² Telos argues that the solicitation was ambiguous because the definition of “relevant” past performance was unclear. According to the protestor, we should interpret the definition of relevant as requiring substantial overlap between the proffered contracts and the solicitation requirements. However, while the solicitation in fact was unclear in this regard, defining as relevant performance that which “involved essentially the same, similar and some of the scope and magnitude of effort and complexity,” such ambiguity furnishes no basis for relief. In this regard, an ambiguity exists where two or more reasonable interpretations of the terms or specifications of the solicitation are possible. Colt Def., LLC, B-406696, July 24, 2012, 2012 CPD ¶ 302 at 8. A patent ambiguity exists where the solicitation contains an obvious, gross, or glaring error, while a latent ambiguity is more subtle. Id. Where a patent ambiguity is not challenged prior to the submission of proposals, we will dismiss as untimely any subsequent challenge to the meaning of the term. 4 C.F.R. § 21.2(a)(1) (2015); U.S. Facilities, Inc., B-293029, B-293029.2, Jan. 16, 2004, 2004 CPD ¶ 17 at 10. Here, any ambiguity was patent, that is, apparent on the face of the solicitation and thus required to be protested before the due date for submission of quotations. Telos’s failure to timely protest this patent ambiguity provides no basis for relief here.
dependencies” for each of five technical functional areas: enterprise applications management; server management; USAITA-OPS security management and information assurance support; support services; and mainframe service management. RFP, Att. 3, at 9. The solicitation further advised vendors that in evaluating the technical factor, the agency would consider “the extent to which the Contractor’s quote demonstrates a complete, logical, well-defined, and meaningful approach with clear methods and procedures that will successfully accomplish the requirements with the least risk.” Id. at 22. Thus, as the agency notes, the solicitation did not require vendors to have any specific experience with AMHS. Further, the solicitation included 11 tasks with multiple subtasks, for a total of 48 distinct tasks or subtasks, only 2 of which were related to the AMHS function, and did not prioritize the tasks or attach any particular importance to the AMHS function.

In evaluating NetCentrics’ technical proposal, the agency found that NetCentrics, as required by the solicitation, adequately described its technical approach and demonstrated a logical, well-defined, and meaningful approach, with clear methods and procedures that will successfully accomplish the requirements which respect to the AMHS function and the other tasks listed in the PWS. Telos has pointed to nothing which demonstrates that the agency’s conclusions in this regard were unreasonable. Accordingly, we have no basis to question the evaluation in this area.

Telos Technical Evaluation

Telos asserts that it should have been rated outstanding (rather than good) under the technical factor. In this regard, Telos explains that its team is comprised of the successful incumbents for the work being procured under the instant solicitation. Telos further asserts in this regard that in evaluating its proposal, the agency failed to credit Telos with numerous strengths with respect to the different tasks and subtasks delineated in the PWS. Based on our review of the record, we find that Telos’ arguments furnish no basis for questioning the rating of Telos’ proposal under the technical factor.

For example, Telos asserts that it should have been awarded a strength under Task 2, enhanced communication gateway systems (ECGS), because its proposal provided extensive written detail that demonstrates comprehensive knowledge of the ECGS technical and operational requirements, and included an [DELETED].

The evaluation in this regard was reasonable. The Army did not consider its proposed [DELETED] as a strength with respect to the current solicitation because it is work Telos intends to perform under its incumbent contract, not work Telos will perform under the contract to be awarded. The Army further notes that Telos’ contract is for labor to support the operation and maintenance of the ECGS. However, another contractor, not Telos, is responsible for the maintenance...
of hardware and software for the ECGS, and will [DELETED] under that contract. Agency Response to Questions, Nov. 10, 2015, at 1. Finally, the Army reports that it has not yet decided that it is interested in implementing any such [DELETED]. Id. While Telos believes it should have gotten a strength because the Army will benefit from the new approach, we find that the agency was not required to credit Telos with a strength under the current solicitation for an activity it intends to perform under its incumbent contract, and which, in any case, another contractor will be responsible for implementing in the event the agency approves the approach.

Telos also asserts that it should have been assigned a strength under subtask 4, for information assurance vulnerability management (IAVM) and security technical implementation guides (STIG) compliance support. In this regard, the PWS required that:

The Contractor shall ensure all assets supported by the USAITA-OPS are fully compliant with DOD and Army Information Assurance Vulnerability Management (IAVM) notifications IT and STIG requirements per published compliance dates and shall continue to apply patches, policies, settings and controls until 100% compliance is accomplished.

PWS at 20.

Telos asserts that it should have been assigned a strength in this area because it proposed [DELETED]. Specifically, Telos proposed that its security personnel will [DELETED]. Telos Technical Proposal at 25.

We find no basis to question the evaluation in this regard. While Telos asserts that [DELETED] exceeds the solicitation requirements because it is not a specific PWS requirement, the agency explains that [DELETED] is simply an inherent, necessary part of meeting the PWS requirements in this regard, and thus not a strength. Agency Response to Questions, Nov. 10, 2015, at 3. We find the agency’s position to be reasonable. As Telos has not explained why [DELETED] will do more than simply allow Telos to meet the requirements of the solicitation with respect to ensuring compliance with the applicable security requirements, we have no basis to conclude that the agency was unreasonable when it did not view Telos’ proposed cross directorate coordination as a strength.

Telos further asserts that it should have received a strength under mainframe service management task because it explained in its quotation that the communications team will work with enterprise information mission assurance (EIMA) and external customers to ensure that all connections to the mainframe are secure, and that the systems team will work with external groups to ensure all
storage, server, power, system peripherals and disaster recovery steps are operating at optimal performance.

Again, however, Telos fails to demonstrate that its proposed approach warranted a strength. In this regard, the agency notes that the PWS requires periodic system review to ensure security compliance with applicable government regulations as required. PWS at 38. This review includes following appropriate security guidelines, correcting security flaws, reporting findings, and other security tasks as required. Id. In the agency’s view, Telos’ quote simply explains how it will perform system reviews as required, ensuring security compliance, with ensuring optimal operational performance an expected part of complying with the PWS requirements. Agency Response to Questions, Nov. 10, 2015, at 4. Telos has not explained why the agency was unreasonable in viewing its proposed approach as simply meeting the solicitation requirements, rather than exceeding them in a beneficial way.

In addition, many of the other strengths Telos believes it should have been credited with are in fact based on Telos’s performance as the incumbent, rather than on demonstrating its approach to performing the requirements delineated in the PWS. For example, Telos notes that with respect to task 3, USAITA-OPS security management and information assurance support, it explained in its proposal that it helped the agency to pass two separate inspector general inspections on the first try, which, according to Telos, is an extraordinary accomplishment. Supplemental Protest at 12. Similarly, Telos asserts that it should have been assigned a strength under task 5, mainframe service management, because it has five years of past performance and experience maintaining current original equipment manufacturer and commercial off the shelf software suites, and over ten years of experience in retaining incumbent staff from prior contracts to support CASE, reducing risk to the agency. Id. at 15. The technical evaluation, however, was to be based on the offeror “demonstrat[ing] a complete, logical, well-defined, and meaningful approach” to performing the current contract, not on the offeror’s past performance or experience. RFQ § M.2.6. Accordingly, we find that the agency reasonably chose not to assign Telos’ proposal a strength in these areas based on its prior performance.

Telos, however, argues that the agency engaged in unequal treatment with respect to Telos and NetCentrics because, in its evaluation under the technical factor, the agency credited NetCentrics, but not Telos, with experience. Specifically, Telos asserts that the agency assigned NetCentrics a significant strength based on its experience as follows:

Task 2: Server Management; Subtask 1: Joint Staff virtual desktop infrastructure (VDI)/Desktop as a Service (DaaS) Support. Offeror has significant experience with the Desk as a Service as illustrated in the following statement from their quote: “. . . our proposed
Information Technology subject matter expert (SME), designed the Pentagon DaaS System, led the implementation, and supported the migration of the Joint Staff customer. We will leverage this experience to get our support team up to the speed on the unique aspects of the ITA.


Telos’ claim, however, is based on an incomplete quotation of the agency’s explanation of NetCentrics’ strength in this regard. Specifically, Telos omits the remainder of the above passage, which continues as follows:

Offeror demonstrates an excellent understanding of the criticality to monitoring performance with DaaS. . . . [t]hey state that "performance management is a most critical function and enables the support staff to proactively prevent outages through active monitoring" and "our staff will constantly monitor, record and analyze the data points in the following table to support real-time troubleshooting and long term performance/capacity/problem management." The company also listed all the metrics they will monitor within that same section.

Offeror has shown they can significantly reduce risk in DaaS and VDI for the Government, conveying to the Government an appreciable increased probability of successful contract performance. . . . This makes this finding a significant strength.

NetCentrics Evaluation Report at 6. Thus, as the agency explained in its evaluation, the significant strength was not based on NetCentrics’ experience as such. Rather, the agency discussed the firm’s experience in the context of NetCentrics demonstrating its understanding of the multi-tenancy architecture, security architecture, and interfaces with the hosting platform. Supplemental Agency Report at 4. That is, the significant strength was premised on the awardee’s excellent understanding of the critical importance of monitoring performance with Desktop as a Service (DaaS), as well as on furnishing detailed information—listing all the metrics that it would monitor—as to its approach. This is consistent with the solicitation’s statement that the technical evaluation would consider whether the quotation was “sufficiently detailed to demonstrate a clear understanding of all technical/functional areas.” RFQ § M.2.6.

The protest is denied.

Susan A. Poling
General Counsel