



GAO

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

Comptroller General
of the United States

DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Decision

Matter of: Agile Defense, Inc.

File: B-412811.2

Date: October 17, 2016

Joseph P. Hornyak, Esq., Elizabeth N. Jochum, Esq., and Kelly A. Krystyniak, Esq., Holland & Knight LLP, for the protester.

Steven J. Koprince, Esq., Matthew T. Schoonover, Esq., Matthew P. Moriarty, Esq., and Candace M. Shields, Esq., Koprince Law LLC, for Advanced Alliant Solutions Team, LLC, the intervenor.

Captain Matthew A. Freeman, and Scott N. Flesch, Esq., Department of the Army, for the agency.

Paula J. Haurilesko, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the agency unreasonably concluded that one of the protester's proposed project managers failed to meet the minimum requirements of the solicitation is denied, where the record shows that the individual's resume did not demonstrate that the requirements were met.

DECISION

Agile Defense, Inc., of Reston, Virginia, protests the issuance of a task order to Advanced Alliant Solutions Team, LLC (AAST), of Fairfax, Virginia, under request for proposals (RFP) No. W91CRB-15-R-0039, issued by the Department of the Army, Army Test and Evaluation Command, for information technology support services. Agile challenges the Army's assignment of deficiencies to the firm's proposal.

We deny the protest.

BACKGROUND

The RFP was issued on September 3, 2015 to holders of the General Services Administration's (GSA) Alliant Small Business government-wide acquisition contract (GWAC). The solicitation contemplated the issuance of a cost-plus-fixed-fee task

order for a base year with four 1-year options against the successful offeror's Alliant GWAC. The successful offeror is to provide information technology (IT), IT logistics, and cybersecurity support to the Army Test and Evaluation Command headquarters, the Army Evaluation Center, and the Army's Aberdeen Test Center, all located at Aberdeen Proving Ground, Maryland; and the Army Operational Test Command at Fort Hood, Texas. RFP (Conformed) at 56.¹

The RFP stated that award would be made to the responsible offeror whose proposal was determined to be the lowest-priced, technically acceptable proposal. To be considered for award, a proposal had to be rated acceptable under the technical/management factor (including subfactors) and the past performance factor. The technical/management factor was comprised of the following subfactors: project management plan, quality control plan, transition plan, staffing, and experience.² RFP at 177.

With regard to the staffing subfactor, offerors were required to provide a resume for each of the three individuals identified as key personnel: the program manager, a project manager for Aberdeen Proving Ground, and a project manager for Fort Hood. The resumes were to show the experience, duties, and responsibilities that were held in previous positions and were relevant to the performance work statement. Id. at 165. As relevant here, the project managers were required to demonstrate five years of experience leading 20 or more employees. Agency Report (AR), Tab 14, RFP Attachment 1, Labor Category Qualifications, at 10.

The Army received 13 proposals, including those from Agile and AAST. Contracting Officer's Statement at 3. On February 24, 2016, the Army issued a task order to AAST. Agile protested the selection decision and the assignment of four deficiencies to its proposal. The Army subsequently advised our Office that it planned to reevaluate proposals. On March 30, we dismissed the protest as academic.

In its reevaluation, the Army assigned two of the original deficiencies to Agile's proposal. The Army assigned one deficiency under the staffing subfactor because the evaluators found that the resume for Agile's proposed project manager for Aberdeen Proving Ground did not demonstrate that the individual met the requirement for five years of experience leading at least 20 employees. AR, Tab 27, Source Selection Evaluation Board (SSEB) Report, at 17. The agency

¹ Unless otherwise indicated, citations to the RFP will be to the conformed copy of the RFP.

² The RFP stated that a proposal would be considered unacceptable under a subfactor if the proposal did not clearly meet the minimum requirements of the solicitation. RFP at 179.

noted that another section of the proposal pertaining to the transition plan subfactor included a reference to the project manager that stated that he has 11 years of experience and was responsible for oversight of more than 30 employees. The table contained columns identifying the names of the key personnel, security clearance, academic degree, and qualifications highlights. The table also included a column entitled, "Yrs," but provided no explanation as to its meaning. AR, Tab 23, Agile Technical Volume, at 43. For this individual, the "Yrs" column stated "11" and the qualification highlights column, stated the following:

Experience managing complex web application development projects
in all phases of SDLC, responsible for oversight of 30+ employees,
Project+, Security+, ITIL v3

Id. The evaluators noted that it was not clear that the reference to 11 years referred to his oversight experience and that his resume did not demonstrate any experience with oversight of more than 30 employees. The SSEB concluded that the table's reference to 11 years and the resume's lack of demonstrated experience created an ambiguity with respect to whether he met the RFP's experience requirement. On this basis, the evaluators assigned a deficiency, and concluded that Agile's proposal was unacceptable under the staffing subfactor. Id.

The Army also assigned Agile's proposal a deficiency under the experience subfactor because the proposal did not address experience in several aspects of the logistics support task areas. Based on this deficiency, the Army concluded that Agile's proposal also was unacceptable under the experience subfactor. Id. at 18.

Because the Army found Agile's lower-priced proposal unacceptable under at least one subfactor, the proposal was found to be unawardable, and the Army issued the task order to AAST as the offeror that proposed the lowest-priced, technically acceptable proposal.³ Contracting Officer's Statement at 6.

On August 25, 2016, after receiving a debriefing, Agile protested to our Office.⁴

³ Agile's proposed price was \$61,500,486; AAST's proposed price was \$62,892,406. AR, Tab 29, Notice to Unsuccessful Offeror.

⁴ Because the value of the task order here exceeds \$10 million, this procurement is within our jurisdiction to hear protests related to task orders issued under multiple-award indefinite-delivery/indefinite-quantity contracts by the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration. 10 U.S.C. § 2304c(e)(1)(B).

DISCUSSION

Agile maintains that the Army unreasonably assigned a deficiency to its proposal under the staffing subfactor of the technical/management factor for not demonstrating that the project manager for Aberdeen Proving Ground met the requirement for five years of experience leading 20 or more employees. Agile argues that the section of its proposal describing its transition plan demonstrates that the project manager has the requisite experience, and that the agency misread the information presented in that section of the proposal. Protest at 10-11.

In reviewing protests challenging an agency's evaluation of proposals, even in a task order competition as here, we do not reevaluate proposals, but rather we examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. Technology Concepts & Design, Inc., B-403949.2, B-403949.3, Mar. 25, 2011, 2011 CPD ¶ 78 at 8. When a solicitation requires resumes for key personnel, these form a material requirement of the solicitation. Pioneering Evolution, LLC, B-412016, B-412016.2, Dec. 8, 2015, 2015 CPD ¶ 385 at 8. A proposal that fails to satisfy a material solicitation requirement may not be considered for award, and is thus technically unacceptable. Ocean Servs., LLC, B-406087, B-406087.2, Feb. 2, 2012, 2012 CPD ¶ 62 at 4.

As noted above, the RFP required offerors to provide key personnel resumes under the staffing factor and demonstrate that the proposed project managers have five years of experience leading 20 or more employees. RFP at 165; AR, Tab 14, RFP Attachment 1, Labor Category Qualifications, at 10. The Aberdeen project manager's resume states that he has more than 11 years in the IT field, and while working for the past 9 years as a senior application developer/technical lead, he estimated technical tasks and schedule for a team of seven: four developers, two business analysts, and a quality assurance analyst. AR, Tab 23, Agile Technical Volume, at 49. The record shows that the project manager's resume does not indicate on its face that he has five years of experience leading 20 or more employees.

Agile does not disagree that the resume did not demonstrate compliance with the RFP requirement. Instead, Agile asserts that the agency should have interpreted the table in the transition plan section of its proposal as demonstrating that its proposed project manager has 11 years overseeing more than 30 employees. Protester Comments at 4.

In light of the fact that the resume does not demonstrate compliance with the experience requirement, we find that the Army reasonably concluded that the table in the transition plan created an ambiguity as to whether the Aberdeen project manager had experience with oversight of more than 30 employees, as the protester asserts. Moreover, we note that the statement in his resume that he has

more than 11 years in the IT field suggests that the table refers to his IT experience, rather than oversight of employees. See AR, Tab 23, Agile Technical Volume, at 49. An offeror has the responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation requirements and allows for a meaningful review by the procuring agency. Engineering Design Techs., Inc., B-408811.2, June 17, 2014, 2014 CPD ¶ 182 at 5. An offeror that does not affirmatively demonstrate the merits of its proposal risks rejection of its proposal or risks that its proposal will be evaluated unfavorably where it fails to do so. Johnson Controls, Inc., B-407337, Nov. 20, 2012, 2012 CPD ¶ 323 at 3.

Here it was Agile's responsibility to establish that its proposed project manager met the RFP requirement for five years of experience leading 20 or more employees. Based on the record before us, we find that the Army reasonably concluded that Agile's proposal failed to demonstrate that its proposed project manager for Aberdeen Proving Ground met the minimum requirements set forth in the RFP, and thus was ineligible for award.⁵

Agile also challenges the Army's assessment of a deficiency in its proposal under the experience subfactor. Protest at 12-16. We need not consider this additional challenge to the evaluation of Agile's proposal in light of our finding that the Army reasonably assigned Agile's proposal a deficiency and found the proposal unacceptable under the staffing subfactor. Even if we were to agree with the protester that the agency improperly evaluated its proposal under the experience subfactor, Agile has not shown that it was prejudiced by any such error. See Bashen Corp., B-412032.2, Dec. 3, 2015, 2015 CPD ¶ 381 at 4 n.2 (protester cannot show prejudice where agency reasonably found protester otherwise ineligible for award).

The protest is denied.

Susan A. Poling
General Counsel

⁵ In its comments, Agile argues for the first time that the Army knew from the firm's prior protest that the table was intended to be read as demonstrating that the Aberdeen project manager met the experience requirement. Protester Comments at 5. This argument is untimely, as the protester knew the basis for this argument prior to filing this protest. See Lanmark Tech., Inc., B-410214.3, Mar. 20, 2015, 2015 CPD ¶ 139 at 5 n.2 (piecemeal presentation of protest grounds, raised for the first time in comments, are untimely).