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Decision

Matter of: Glacier Technical Solutions, LLC

File: B-412990.3

Date: March 15, 2017

S. Lane Tucker, Esq., and Sarah R. Langberg, Esq., Stoel Rives LLP, for the protester.

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DIGEST

Protest challenging the evaluation of awardee's proposal and source selection decision is denied where record supports the agency's evaluation and award decision.

DECISION

Glacier Technical Solutions, LLC (Glacier), a small business of El Paso, Texas, protests the award of a contract to SAWTST, LLC, a small business of Peachtree, Georgia, under request for proposals (RFP) No. W91151-14-R-0002, issued by the Department of the Army for test and evaluation technical services. The protester challenges the agency's evaluation of the awardee's technical proposal and contends that the Army's source selection decision is flawed.

We deny the protest.

BACKGROUND

On July 23, 2015, the agency issued the RFP as a competitive 8(a) set-aside for administrative support, data management, data collection, instrumentation, information technology services, and logistics support for various Army test centers and directorates.¹ RFP at 1-2, 7. The competition was conducted pursuant to the

¹ The services were to support the Army's Operational Test Command. RFP at 7.

procedures of Federal Acquisition Regulation (FAR) part 15, and the solicitation contemplated the award of a cost-plus-fixed fee indefinite-delivery, indefinite-quantity (IDIQ) single award contract with a 5-year period of performance. Id. at 2, 10, 102, 115.

The solicitation notified offerors that award would be made on a best-value basis, considering the following three factors: (1) mission capability; (2) past performance; and (3) cost. Id. at 115. Pursuant to the solicitation, mission capability was considered more important than past performance, and the two non-cost factors, when combined, were significantly more important than cost. Id.

The mission capability factor was comprised of the following three subfactors: (1) technical approach; (2) management approach; and (3) response to the Patriot task authorization request (TAR). Id. at 107. The technical approach subfactor was significantly more important than the management approach subfactor, while the management approach subfactor was equally as important as the Patriot TAR subfactor. Id. at 116. When the technical approach and management approach subfactors were combined, they were more important than the Patriot TAR subfactor. Id.

With regard to the management approach subfactor, offerors were required to submit a proposal demonstrating an organizational structure that promoted the “efficient and flexible utilization” of the contractor’s personnel. Id. at 108. The proposal had to also identify methods of recruitment and retention that demonstrated an understanding of the special skills required for operational testing and the difficulty in obtaining and keeping qualified personnel with the background necessary to perform the work required. Id. The RFP also required an offeror’s management approach to be based on a staffing plan provided by the agency. Id. To the extent an offeror’s proposal deviated from that baseline staffing plan, those deviations had to be fully explained and justified in the cost narrative section of the proposal. Id.

The solicitation notified offerors that the Army would evaluate their proposal under the mission capability factor to determine the adequacy of their responses and the feasibility of their approaches. Id. at 116. With regard to the management approach subfactor, proposals were to be evaluated based on the offeror’s proposed organizational structure, its ability to promote the efficient and flexible utilization of personnel, its methods of recruitment and retention, whether the offeror demonstrated an understanding of the special skills required to conduct operational testing, and its ability to obtain and keep qualified personnel, as well as meet other personnel staffing metrics. Id. at 117. The solicitation also specifically provided that the agency would evaluate an offeror’s management approach to determine whether it conformed to baseline staffing levels provided by the agency, the offeror’s proposed management structure, its supervisor to employee ratios, and its use of technical leads. Id.

For the overall mission capability factor, proposals could be assigned a rating of blue/outstanding, purple/good, green/acceptable, yellow/marginal, or red/unacceptable. Id. at 119. The solicitation contemplated a good rating when a proposal met the RFP’s requirements, contained strengths that outweighed weaknesses, and demonstrated a low risk of unsuccessful performance. Id.

With regard to costs, the solicitation instructed offerors that the cost volume of their proposals should conform to the agency’s baseline staffing plan. Id. at 112. The RFP cautioned offerors that if they proposed a unique management approach, which deviated from the agency’s baseline, those deviations had to be “fully explained and justified” in the cost narrative section of their proposals. Id. As relevant here, the solicitation advised that the Army would develop a most probable cost (MPC) estimate for award evaluation purposes, and that unrealistically low costs would be considered a performance risk. Id. at 121.

The agency received three offers in response to the solicitation, including the ones submitted by Glacier and SAWTST. Contracting Officer’s (CO) Statement (B-412990.2) at 1.² The technical volumes of each proposal were evaluated by a technical evaluation team (TET), while the cost volumes were separately evaluated by a cost evaluation team (CET). Agency Report (AR), Tab 19, Final SAWTST Technical Evaluation, at 1-8; Tab 9, Final Cost Evaluation, at 1-57. After the initial evaluation, the Army opened discussions with all three offerors to address the agency’s concerns. AR, Tab 20, Final Source Selection Decision (Final SSD), at 2. Both Glacier and SAWTST submitted final revised proposals, which were evaluated as follows:

	SAWTST	Glacier
Mission Capability Factor	Good	Good
Past Performance Factor	Satisfactory Confidence	Satisfactory Confidence
Most Probable Cost	\$98,920,373	\$106,608,309

Id. at 2-3.

The Army’s TET assigned SAWTST’s final revised proposal an overall rating of good under the mission capability factor after concluding that the proposal contained strengths that outweighed any weaknesses, and that SAWTST’s risk of unsuccessful performance was low. AR, Tab 19, Final SAWTST Technical Evaluation, at 1. With regard to the mission capability subfactors, SAWTST

² This is Glacier’s third protest of this procurement. In order to differentiate between the various CO statements filed in response to each of the protests, references to the CO statement are identified with the associated B-number.

received good ratings for the technical capability and management approach subfactors, as well as an acceptable rating for the Patriot TAR subfactor.³ Id. at 1, 4, 7. The final TET evaluation report did not identify any unaddressed concerns with SAWTST's proposal and contained no mention of any concerns the TET may have had with any aspect of SAWTST's non-price proposal. See Id. at 1-8.

With regard to the cost factor, the CET identified the need to upwardly adjust certain aspects of SAWTST's cost proposal. AR, Tab 9, Final Cost Evaluation, at 2. The CET noted several errors in SAWTST's initial cost proposal, and evaluated the costs associated with the proposal's staffing plan as "potentially unrealistic."⁴ Id. at 43. The CET's final evaluation report noted that "[a]fter a technical evaluation was conducted by the technical team, it was again concluded that this staffing methodology was not acceptable and therefore rejected." Id. at 43. After discussions concluded, the CET upwardly adjusted the costs proposed by SAWTST to account for the concerns it had with SAWTST's staffing methodology.⁵ Id. at 43-44.

The source selection authority (SSA) adopted the TET's and CET's evaluation findings for SAWTST's proposal, and ultimately determined that the proposal submitted by SAWTST represented the best value to the government. AR, Tab 20, Final SSD, at 1-10. In reaching this conclusion, the SSA noted that the proposals submitted by SAWTST and Glacier both received a good rating under the RFP's mission capability factor, and based his award decision on the cost difference between the two proposals. Id. at 10.

On April 1, the Army awarded the contract to SAWTST. CO Statement (B-412290.2) at 1. On April 18, Glacier filed a protest with our Office challenging the agency's award decision. Id. On May 12, 2016, in response to the protest, the Army took corrective action. Id. Based on the agency's corrective action, our Office dismissed Glacier's protest as academic.⁶

³ Although the TET evaluated SAWTST's initial proposal as marginal under the management approach subfactor, that rating was revised to good after discussions concluded. AR, Tab 19, Final SAWTST Technical Evaluation, at 4-6.

⁴ The CET also identified concerns with the costs proposed by one of SAWTST's major subcontractors. AR, Tab 9, Final Cost Evaluation, at 50. These concerns were fully addressed during discussions. Id.

⁵ Specifically, the CET concluded that SAWTST's cost proposal should be upwardly adjusted by \$3,018,076.55 to address the cost concerns it had with the firm's staffing methodology. Id. at 43-44.

⁶ Although Glacier's initial protest contained multiple challenges, the Army limited its corrective action to a reevaluation of Glacier's past performance. Despite the protester's objections to the limited nature of the corrective action, we dismissed

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On July 1, after conducting a reevaluation of Glacier's proposal, the Army again awarded the contract to SAWTST. CO Statement (B-412290.2) at 1. Glacier filed its second protest with our Office on July 10. Protest (B-412290.2) at 1.⁷ In that protest, Glacier challenged the agency's evaluation of SAWTST's technical proposal. Glacier Tech. Solutions, LLC, B-412990.2, Oct. 17, 2016, 2016 CPD ¶ 311 at 6. Additionally, Glacier argued that the Army's cost realism evaluation of the proposals submitted by both Glacier and SAWTST was unreasonable. Id. at 6-7. Finally, Glacier asserted that the agency's source selection decision was flawed because it failed to consider the performance risk associated with SAWTST's proposal. Id. at 7. On October 17, our Office issued a decision sustaining Glacier's protest in part and denying it in part. Id. at 7-13. In that decision, we denied the protester's allegations with regard to the agency's cost realism analysis, but sustained the overall protest because the contemporaneous record failed to explain how the TET concluded that SAWTST's proposal merited a good rating under the mission capability factor, in spite of the TET's decision to reject an aspect of SAWTST's proposed staffing plan. Id. at 7-12. Accordingly, we issued the following recommendation:

We recommend that the Army reevaluate SAWTST's proposal under the mission capability factor and document its consideration of, and the weight that was assigned to, the TET's conclusion that one of SAWTST's proposed staffing methodologies was not acceptable and should be rejected. Additionally, we recommend that the agency prepare a new source selection decision reflecting these considerations.

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that protest as academic because the Army committed to making a new award decision and because that new award decision could have resulted in the selection of a different awardee. The protester's past performance rating, as identified in the decision in the table above, reflects the past performance rating assigned to Glacier after the agency's initial reevaluation. Additionally, the SSA accounted for the updated past performance rating in the final SSD and final revised SSD. AR, Tab 20, Final SSD at 10 n.2; Tab 26, Final Revised SSD at 11 n.4.

⁷ In order to differentiate between the various pleadings that were submitted by Glacier for each of the protests that were filed, each pleading is identified with the associated B-number.

Id. at 13. In response to our decision, the agency reevaluated SAWTST's technical proposal on October 22.⁸ AR, Tab 25, Final Technical Consensus Reevaluation of SAWTST, at 1-8. In reevaluating SAWTST's proposal, the TET documented its rejection of the proposed cost savings provided by SAWTST's staffing methodology. Id. at 5. While the TET did not agree that SAWTST's staffing methodology would provide the cost savings it identified, the TET considered the staffing methodology to be a good idea that could "possibly save money" in other ways. Id. Upon reevaluation, the Army made no changes to the ratings of good it had previously assigned to SAWTST's proposal under the technical approach factor and management approach subfactor. Id. at 1, 4.

A revised source selection decision based on the TET's reevaluation was issued on November 30. AR, Tab 26, Final Revised SSD, at 1-11. The SSA, in his revised decision, made no changes to the good ratings assigned to SAWTST's proposal under the overall mission capability factor and the management approach subfactor. Id. at 8. The SSA recognized that SAWTST's proposed management approach offered advantages to the government even though the TET did not believe that SAWTST's proposed staffing plan could offer the cost savings being proposed. Id. at 8-9. In this regard, the SSA noted that SAWTST's proposed staffing methodology was acceptable, but that the TET rejected the proposed claims of potential efficiencies. Id. at 10. After considering the evaluations conducted by the TET and CET, the SSA once again concluded that the contract should be awarded to SAWTST because, although both SAWTST and Glacier received ratings of good under the RFP's mission capability factor, he concluded that SAWTST's proposal offered the best value because of its lower costs. Id. at 10-11.

On December 2, the Army notified Glacier that SAWTST had again been selected for award. AR, Tab 27, Unsuccessful Offeror Letter, at 2. Thereafter, Glacier timely filed the instant protest.

DISCUSSION

Glacier raises various challenges to the agency's evaluation, but primarily contends that it was unreasonable for the TET to assign a good rating to SAWTST's proposal under the management approach subfactor of the mission capability evaluation factor, because it disagrees with the rationale for that rating. Although we do not address every argument raised, we have reviewed each one and find that none provides a basis to sustain the protest.⁹

⁸ We did not recommend, nor did the agency decide to conduct a new cost evaluation. Glacier Tech. Solutions, LLC, supra at 13; AR, Tab 26, Final Revised SSD at 7 n.3.

⁹ For example, Glacier argues that its protest should be sustained because the SSA failed to consider performance risk the protester alleges should have been assigned
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In reviewing protests of an agency's evaluation of an offeror's technical proposal, our Office does not reevaluate proposals; rather, we review the evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6. A protester's disagreement with the agency's evaluation, without more, is not sufficient to render the evaluation unreasonable. URS Federal Servs., Inc., B-413333, Oct. 11, 2016, 2016 CPD ¶ 286 at 6.

Here, we find the agency's evaluation of SAWTST's proposal to be reasonable. As discussed above, with regard to the management approach subfactor, offerors were required to submit a proposal demonstrating an organizational structure that promoted the "efficient and flexible utilization" of the contractor's personnel. RFP at 108. The RFP also required that the offeror's management approach be based on a staffing plan provided by the agency. Id. As relevant here, SAWTST's proposal stated [DELETED]. AR, Tab 16, SAWTST Final Proposal, at 100. The proposal also represented [DELETED]. Id. at 100-101. After the TET completed its evaluation, it performed "a crosswalk on the labor category reductions proposed by [SAWTST]." AR, Tab 25, Final Technical Consensus Reevaluation of SAWTST, at 5. Based on this crosswalk, the TET rejected the cost savings associated with the staffing methodology proposed by SAWTST, but concluded that the proposed

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to SAWTST's proposal. We dismiss this allegation because it does not establish a valid basis for challenging the agency's action. Our Bid Protest Regulations, 4 C.F.R. § 21.1(c)(4) and (f), require that a protest include a detailed statement of the legal and factual grounds for the protest, and that the grounds stated be legally sufficient. These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Midwest Tube Fabricators, Inc., B-407166, B-407167, Nov. 20, 2012, 2012 CPD ¶ 324 at 3. Here, the solicitation required the agency to assign performance risk to an offeror's proposal only when its proposed costs were found to be unrealistically low. RFP at 121. Although the CET identified an aspect of SAWTST's proposal to be "potentially unrealistic," the CET did not conclude that SAWTST's cost proposal was unrealistically low. AR, Tab 9, Final Cost Evaluation, at 1-57. Furthermore, and as discussed in our prior decision, we found nothing unreasonable about the cost evaluation conducted by the agency. Glacier Tech. Solutions, LLC, supra at 1-13. Accordingly, this allegation lacks a factual or legal basis.

methodology “was [still] a good idea” from a technical perspective.¹⁰ Id. These findings were documented during the reevaluation that was conducted by the agency. Id. In making his source selection decision, the SSA adopted the TET’s findings and evaluation ratings. AR, Tab 26, Final Revised SSD at 8-10.

Based on our review of the record, we find nothing unreasonable about this aspect of the agency’s reevaluation. The protester specifically argues that the agency could not reasonably reject the cost savings associated with a proposed staffing methodology without rejecting the technical efficacy of that staffing methodology itself. We disagree. In this regard, the solicitation expressly advised offerors that the Army would develop a most probable cost for award evaluation purposes.¹¹ RFP at 121. During the cost evaluation of SAWTST’s proposal, the CET made an upward adjustment to account for concerns about SAWTST’s proposed staffing methodology costs. AR, Tab 9, Final Cost Evaluation, at 44. This adjustment complied with the terms of the RFP. In addition there is no ban to an agency deciding that an offeror’s technical approach merits a good rating, while also making cost adjustments, as part of its cost realism assessment. Innovative Test Asset Solutions, LLC, B-411687, B-411687.2, Oct. 2, 2015, 2016 CPD ¶ 68 at 9; Smartronix, Inc., B-413721.2, Feb. 22, 2017 2017 CPD ¶ ___ at 7 (“[W]e see nothing inappropriate or inconsistent with the agency concluding that [protester’s] technical approach met the minimum standards for acceptability, and, at the same time, taking issue with the aspects of the firm’s staffing approach as part of its cost realism assessment . . .”). While Glacier contends that SAWTST’s proposal merited a lower rating under the management approach subfactor, its disagreement with the rating, without more, is not sufficient to render the agency’s evaluation unreasonable. URS Federal Servs., Inc., supra.

Finally, the protester contends that SAWTST should have been ineligible for award because the awardee’s proposal should not have been assigned a good rating for the management approach subfactor.¹² As discussed above, we find reasonable

¹⁰ Before the most recent round of corrective action, the TET failed to document the concern it had with this aspect of SAWTST’s staffing methodology. See Glacier Tech. Solutions, LLC, supra at 7-9.

¹¹ Furthermore, the TET did not reject the costs associated with the proposed staffing methodology, but rather rejected the cost savings SAWTST proposed to achieve. AR, Tab 25, Final Technical Consensus Reevaluation of SAWTST, at 5.

¹² Glacier’s protest specifically contends that because SAWTST’s management approach subfactor should have been rated as marginal or unacceptable, SAWTST should have been ineligible for award. Protest (B-412990.3) at 11. This challenge by Glacier focused primarily on the argument that it was unreasonable for the Army to assign a good rating to SAWTST’s proposal under the mission capability factor due primarily to alleged concerns that the agency should have had with SAWTST’s

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the Army's decision to assign a good rating to SAWTST's proposal under the management approach subfactor. Because we deny the protester's underlying arguments upon which this allegation is based, this protest allegation is also denied. See Open Sys. Science of Virginia, Inc., B-410572, B-410572.2, Jan. 14, 2015, 2015 CPD ¶ 37 at 11 n.6 (denying challenge to agency's best-value tradeoff decision where protester's argument was premised entirely on allegations that had been discussed earlier and denied).

The protest is denied.

Susan A. Poling
General Counsel

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staffing methodology evaluated under the management approach subfactor of mission capability. RFP at 117-118. In this regard, the protester did not challenge the Army's evaluation of any of the other mission capability subfactors, only the management approach subfactor. Here, Glacier's challenge to SAWTST's eligibility for award is premised on the same assumption--the Army's evaluation of SAWTST under the management approach subfactor was unreasonable--that we address earlier.