



Decision

Matter of: Ampcus, Inc.

File: B-415780

Date: March 16, 2018

Samir Sankaran, for the protester.

Matthew Donohue, Esq., and Austin Fulk, Esq., Office of Personnel Management, for the agency.

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DIGEST

Protester's challenge to the agency's evaluation of its quotation is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

Ampcus, Inc., a small business of Chantilly, Virginia, challenges the award of a contract to Cybermedia Technologies, Inc. d/b/a/ CTEC (CTEC), a small business of Reston, Virginia, under request for quotation (RFQ) No. OPM3217T0009, issued by the Office of Personnel Management (OPM) for information technology (IT) services for OPM's Retirement Services IT Program Management Office (RSIPMO). Ampcus challenges the agency's evaluation of its quotation.

We deny the protest.

BACKGROUND

The RFQ, a small business set-aside, was issued on February 8, 2017, to holders of General Services Administration (GSA) IT Schedule 70 contracts pursuant to Federal Acquisition Regulation (FAR) subpart 8.4 for a hybrid fixed-price and labor-hour task order for IT support services for the RSIPMO's daily operations and maintenance and

development, modification, and enhancement of existing systems.¹ AR, Tab 3.1, RFQ at 1, 6; Performance Work Statement (PWS) at 21.² These systems provide mission critical functionality for calculating the estimated pay annuity for retired federal employees and employees planning for retirement; updating federal employees' health benefits and the process to compare and change benefits; and developing and maintaining automated systems that support the Retirement and Insurance Trust Fund financial management programs. RFQ, PWS, at 21. The RFQ provided for a period of performance of a base year and four option years. RFQ at 7.

The RFQ contemplated award on a best-value tradeoff basis considering the following evaluation factors, listed in descending order of importance: management approach, corporate experience, past performance, and price. Id. at 6, 16. The RFQ stated that non-price factors, when combined, would be significantly more important than price. Id. at 16.

As relevant here, the RFQ advised that the technical volume should be written so that management and technically-oriented personnel could make a thorough evaluation and arrive at a sound determination as to whether the quotation met the solicitation requirements. Id. at 11-12. In this regard, the RFQ stated that the technical quotation must be "so specific, detailed and complete" as to clearly and fully demonstrate a vendor's understanding. Id. at 12.

For the management approach factor, the RFQ required offerors to address four areas, including, as relevant here, key personnel.³ Id. at 12-13. The RFQ required that vendors' key personnel submit resumes showing qualifications that met PWS requirements, and that non-key personnel meet the prescribed minimum requirements for each labor category identified in the RFQ.⁴ Id. Additionally, the PWS included a section entitled "summary of requirements" that contained a provision that required

¹ The agency suspended action on this procurement at one point to investigate a potential conflict of interest (OCI). Agency Report (AR), Tab 1, Joint Contracting Officer's Statement and Memorandum of Law (COS/MOL), at 3. During the pendency of the OCI investigation, the parties engaged in a telephone call regarding the potential issuance of a sole-source contract; the specifics of this conversation are disputed by the parties. See COS/MOL at 3-4; Protest at 5-6; Comments at 2. The agency ultimately decided not to issue a sole-source contract. COS/MOL at 4. To the extent the protester alleges that the agency misled the protester during this procurement based on this telephone call, we find no basis in the record to sustain the protester's allegation.

² Our Office added consecutive numbers to the pages of this document.

³ The three other areas to be addressed under the management approach factor were resources, subcontractor management, and the transition plan. RFQ at 13.

⁴ As relevant here, the RFQ included labor categories for senior engineer/task lead and mid-level engineer. RFQ, PWS at 26-27.

contractors to provide key and non-key personnel with IT experience to support the software development and enhancement of existing systems. RFQ, PWS at 22. The list of desired technical skills required to support the systems for this procurement included COBOL and CICS programming languages. RFQ at 54, 55. The RFQ stated that the management approach factor would be evaluated for effectiveness in meeting the solicitation requirements. Id. at 17.

With regard to corporate experience, the RFQ required vendors to submit a narrative demonstrating recent and relevant corporate experience performed as either a prime contractor or joint venture that was similar to the PWS requirements.⁵ Id. at 14. In evaluating this factor, the agency would compare the opportunities in which the vendor had to learn by doing on projects of a similar size, scope, and complexity to the solicitation requirements. Id. at 17. The RFQ also stated that vendors might receive a higher rating for demonstrating, as relevant here, experience maintaining and modifying complex legacy systems and applications in a heterogeneous environment, and experience sharing data between LAN based systems and mainframe systems, while traversing the various security systems in the process. Id.

For past performance, vendors were required to submit three recent references showing performance on projects of a similar size, scope, and complexity to allow the government to determine the degree of confidence in the vendor's ability to provide the required services. Id. at 14. The government would evaluate past performance for recency, relevancy, and quality. Id. at 18. The solicitation advised that for relevancy, past performance of greater relevance would typically be a stronger predictor of future success and have more influence on the past performance confidence assessment than past performance of lesser relevance. Id.

Eight quotations, including Ampcus' and CTEC's were received. AR, Tab 6.1, Technical Evaluation Panel (TEP) Consensus Report, at 2. The management approach and corporate experience factors were to be assigned a combined technical risk rating, from highest to lowest, of highly acceptable, acceptable, or unacceptable.⁶ AR, Tab 9.1,

⁵ Recent was defined as experience during the three years preceding the date of the release of the solicitation. RFQ at 14. Similar was defined in terms of similar size, scope, and complexity to the requirements described in the solicitation. Id.

⁶ A rating of highly acceptable indicated that the quotation exceeded the requirements of an acceptable rating, offered a high probability of successful contract performance, and demonstrated some or all of the following: (1) exceeded the solicitation requirements; (2) offered innovations and/or creative approaches that would be beneficial to the government; (3) demonstrated a superior understanding of solicitation requirements; or (4) provided a substantially lower level of performance risk than the level expected from a competent contractor. AR, Tab 9.1, Basis for Award, at 4. An acceptable rating indicated a quotation that met all the solicitation requirements with no deficiencies or affirmative exceptions, and showed a good probability of success in performance demonstrated by a satisfactory understanding of the RFQ requirements

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Basis for Award, at 4. Past performance was to be assigned a combined relevancy/confidence rating.⁷ Id. at 5. During the evaluation, Ampcus' quotation was assessed no strengths, significant weaknesses, or deficiencies. Id. at 22-23. CTEC's quotation was assessed multiple strengths, and no significant weakness or deficiencies. Id. at 30-32. The final ratings were as follows:

	Ampcus	CTEC
Management Approach	Acceptable	Highly Acceptable
Corporate Experience	Acceptable	Highly Acceptable
Past Performance Relevancy	Somewhat Relevant	Very Relevant
Past Performance Confidence	Limited Confidence	Substantial Confidence
Price	\$22,856,333	\$23,795,923

Id. at 5, 13.

In assigning an acceptable rating to Ampcus' quotation under the management approach factor, the TEP found that "[t]he resumes of the proposed key personnel demonstrate experience in number of years that exceeds the thresholds set for this solicitation, including experience in some of the languages and concepts."⁸ AR, Tab 6.1, TEP Consensus Report, at 7. The report also stated that the advantage of the experience of the program manager proposed by Ampcus was "overshadowed" by its key personnel task leads' and non-key mid-level engineers' lack of "recent experience in mainframe platform, COBOL and CICS programming languages [that are] required to maintain mainframe legacy applications described in appendix A of [the] RFQ." Id.

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and a level of performance risk that would be no more than the level expected from a competent contractor. Id.

⁷ From highest to lowest, relevancy would be rated as very relevant, relevant, somewhat relevant, or not relevant. Id. at 5. A somewhat relevant rating was assigned based on efforts that involved some of the scope, magnitude of effort, and complexities required by the solicitation, while very relevant efforts involved essentially the same scope, magnitude of effort, and complexities. Id. From highest to lowest, confidence assessments would be rated substantial, satisfactory, neutral, limited, or no confidence. Id. Substantial confidence was based on the agency's determination that a vendor's recent and relevant performance provided a high expectation of successful performance, while satisfactory confidence provided a reasonable expectation of successful performance. Id.

⁸ The agency found Ampcus' resources to be "sufficient"; the subcontracting plan to be "generally clear"; and the transition plan to demonstrate a "full understanding" of the PWS requirements. AR, Tab 6.1, TEP Consensus Report, at 7-8.

Under the corporate experience factor, the agency assessed Ampcus' quotation a rating of acceptable. Id. at 7. The agency concluded that half of Ampcus' eight examples were help-desk type contracts that were not relevant to the tasks listed in the RFQ. Id. at 7-8. The agency found that the other half did not show evidence of a heterogeneous environment and failed to "fully exhibit the vendor's experience in sharing data between LAN-based systems and [m]ainframe systems." Id.

With regard to the past performance rating, the agency assessed Ampcus' quotation a rating of somewhat relevant/limited confidence. Id. at 8-9. In assessing the somewhat relevant rating, the agency stated that the quotation did not adequately demonstrate "product/service/support" similar to the RFQ requirements and that the references did not demonstrate experience relevant to the business of retirement, insurance, and financial transactions. Id. at 9. The limited confidence rating was based on the agency's low expectation of success for Ampcus considering the somewhat relevant rating for Ampcus' references. Id.

The agency selected CTEC's quotation as the best value. AR, Tab 9.1, Basis for Award, at 17. CTEC's quotation provided the highest technical value of the eight vendors and its price was the third highest. Id. at 11, 42. In selecting CTEC's quotation as the best value, the agency compared CTEC's quotation to each of the lower-priced, lower-rated quotations, and discussed each vendor's identified strengths, significant weakness, and deficiencies. Id. at 13-17. The agency determined that CTEC's quotation provided a level of technical superiority that outweighed any benefits associated with the selection of a lower-priced quotation. Id. at 13.

On November 20, Ampcus was notified of award to CTEC for an amount not to exceed \$23,795,923. This protest timely followed.⁹

DISCUSSION

Ampcus raises various challenges to the agency's evaluation of its quotation under the non-price factors.¹⁰ We have considered all of its arguments and find no basis to sustain the protest. We discuss a few representative examples below.

⁹ On November 20, Ampcus requested a brief explanation for award, which was provided on December 1. The brief explanation letter identified Ampcus' and CTEC's ratings, and described the strengths and weakness associated with Ampcus' quotation. On December 11, Ampcus protested. While we recognize that the debriefing exception does not apply to procurements conducted under FAR subpart 8.4, in this instance, the protest was timely filed within 10 days of receipt of the letter that provided the factual basis for the protest. See 4 C.F.R. § 21.2(a)(2); Castro & Co., LLC, B-412398, Jan. 29, 2016, 2016 ¶ 52 at 6.

¹⁰ The protester asserts for the first time in its January 22 comments, that its quotation should have been rated higher under the management approach factor because its
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In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate quotations; rather, we will examine the record to determine whether the agency's evaluation conclusions were reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. OPTIMUS Corp., B-400777, Jan. 26, 2009, 2009 CPD ¶ 33 at 4. In a competitive federal supply schedule procurement, it is the vendor's burden to submit a quotation that is adequately written and establishes the merits of the quotation. DEI Consulting, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. A protester's disagreement with the agency's judgment, without more, does not establish that an evaluation was unreasonable. Commercial Window Shield, B-400154, July 2, 2008, 2008 CPD ¶ 134 at 2.

By way of example, the protester challenges the agency's evaluation of its key personnel with regard to their experience with COBOL and CICS programming languages. Protest at 4. Ampcus complains that the criticism was based on the evaluators' statement that its senior engineer/task leads "demonstrate no experience with COBOL and CICS programming languages required to maintain the mainframe legacy applications." Id. As a rebuttal to this statement, Ampcus asserts that "[i]t is our opinion that all of our proposed staffing personnel, regardless of resume provision, each hold as a fundamental component of their career mainframe developer experience, a direct and deep experience with these standard mainframe programming languages." Id.

The agency responds that its evaluation was based on the lack of detail in the quotation regarding proposed personnel. COS/MOL at 23. In this regard, the agency explains that the resumes for Ampcus' key personnel failed either to demonstrate experience or to show recent experience with COBOL and CICS program languages. COS/MOL at 9, 25. The agency also states that specific skillsets were not identified for non-key personnel listed in the quotation. Id. at 9.

We find the agency's evaluation unobjectionable. Here, the RFQ required that the technical volume be not only specific, but also written so that management and technically-oriented personnel could make a thorough evaluation. RFQ at 11-12. Additionally, the RFQ required that key and non-key personnel demonstrate experience with COBOL and CICS programming languages. Id. at 54, 55; RFQ, PWS at 22. The record shows that the referenced key and non-key personnel identified in Ampcus' quotation, including the resumes of key personnel, either lacked recent experience in

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personnel exceeded the PWS requirements and that the best-value tradeoff was flawed. Comments at 9. These challenges are untimely and will not be considered further. See 4 C.F.R. § 21.2 (a)(2). The brief explanation letter, received by the protester on December 1, provided the basis to raise these issues; however, the protester did not raise these challenges until over a month later.

COBOL and CICS programming languages, or failed to demonstrate experience in these languages.¹¹ AR, Tab 4.2, Ampcus Technical Approach, at 4-5, 23-32.

The protester also raises various challenges to the agency's evaluation of its quotation under the corporate experience factor. Protest at 2-3; Comments at 10. For example, the protester challenges the agency's conclusion that its quotation showed neither experience in data sharing between LAN and mainframe systems while traversing the various security systems in the process, nor demonstrated experience maintaining and modifying complex legacy systems and applications in a heterogeneous environment. Protest at 3. In this regard, the protester contends that its quotation showed the former experience through its usage of "commonly used IT industry terminologies" and the latter experience through its work on contracts with the Departments of the Army and Veterans Affairs that were "built on legacy mainframe complex secured systems and are in the process of transforming to NextGen modernization environments." Id.

The agency responds, again, that the protester's quotation provided only minimal information on the projects identified for the corporate experience factor and that the agency's evaluation was reasonable based on the information provided in Ampcus' quotation. COS/MOL at 11, 28. The agency also asserts that Ampcus' quotation did not identify the NextGen modernizing efforts when describing its work under the Army and Veterans Affairs contracts. Id. at 14, 26-27.

Based on our review of the record, we find no merit to any of the protester's arguments. The protester's reiteration or summary of examples included in its quotation does not show that the agency's evaluation was improper. Additionally, although the protester disagrees with the agency's assessment of the usefulness of the information that Ampcus provided in its quotation, this disagreement, without more, does not provide a basis to sustain the protest. Moreover, it is a vendor's responsibility to submit a proposal that responds to, and demonstrates a clear understanding of, the solicitation requirements; where, as here, a vendor fails to do so, the vendor runs the risk that the

¹¹ We find no merit to the protester's unsupported assertions that the agency's evaluation was unreasonable based on the alleged inexperience of the individual evaluators. See Comments at 4. Similarly, we find no basis to sustain the protester's past performance challenge asserting that the evaluation was flawed because an individual evaluator's evaluation was completed before the agency contacted one of the protester's past performance references. Comments at 11. The record shows that the consolidated TEP report, the document that informed the agency's final evaluation conclusions, considered information from this reference, and the report was dated after the date on which the reference was contacted. See AR, Tab 6.1, TEP Consensus Report, at 8-9.

agency will evaluate its proposal unfavorably. Verisys Corp., B-413204.5 et al., Oct. 2, 2017, 2017 CPD ¶ 338 at 5.

The protest is denied.

Thomas H. Armstrong
General Counsel