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Decision

Matter of: Parsons Government Services, Inc.

File: B-416771; B-416771.2; B-416771.3

Date: December 12, 2018

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Charmaine A. Stevenson, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of technical capability and the selection decision is denied where the record shows that the evaluation and selection decision were reasonable and consistent with the terms of the solicitation.

DECISION

Parsons Government Services, Inc. (Parsons), of Pasadena, California, protests the issuance of a task order to Scientific Research Corporation (SRC), of Atlanta, Georgia, under request for proposals (RFP) No. N6523617R3097, issued by the Department of the Navy, Space and Naval Warfare Systems Command, for systems engineering, technical, logistics, and management support services related to the Navy's computer network defense (CND) systems. The protester contends that the agency's evaluation and selection decision are unreasonable.

We deny the protest.

BACKGROUND

The RFP was issued on June 5, 2017, pursuant to Federal Acquisition Regulation (FAR) § 16.505, to businesses holding one of the Navy's SeaPort-e indefinite-delivery,

indefinite-quantity (IDIQ) contracts. Agency Report (AR), Tab 5, RFP, at 103, 112.¹ The RFP contemplated the award of a cost-plus-fixed-fee task order for a 1-year base period and four 1-year option periods. Id. at 1-8, 78. The RFP sought systems engineering, technical, logistics, and management support services for the Navy's CND systems to provide protection, analysis, and situational awareness capabilities for Navy networks on afloat platforms, submarine platforms, and shore sites. Id. at 12.

The RFP included the following evaluation factors: technical capability; past performance; and cost/price. RFP at 106-107. Technical capability included three subfactors: research, development, testing and evaluation (RDT&E) and production engineering of CND capabilities; in service engineering agent of CND capabilities; and logistics support in support of Navy shore, ship, and submarine installations. Id. at 108-109. The technical capability subfactors were of equal importance and the technical capability factor was significantly more important than the cost/price factor; the past performance factor was to be evaluated as either acceptable or unacceptable. Id. at 112, 113. The technical capability factor and each of the subfactors were to be assigned one of the following ratings: outstanding; good; acceptable; marginal; or unacceptable.² Id.

The agency received three proposals by the July 19 due date for receipt of proposals. Contracting Officer's Statement/Memorandum of Law (COS/MOL) at 3. In its evaluation of Parsons' proposal, the agency identified two weaknesses under the RDT&E and production engineering subfactor, and a weakness and significant weakness under the logistics support subfactor. AR, Tab 8, Selection Evaluation Board (SEB) Report, at 17. In the evaluation of SRC's proposal, the agency identified two strengths under the RDT&E and production engineering subfactor, one strength under the in service engineering agent subfactor, and two strengths and one weakness under the logistics support subfactor. Id. at 27. The final evaluation of Parsons' and SRC's proposals was as follows:

	Parsons	SRC
Technical Capability	Marginal	Good
RDT&E and Production Engineering	Marginal	Good
In Service Engineering Agent	Acceptable	Good
Logistics Support	Marginal	Good
Past performance	Acceptable	Acceptable
Evaluated Cost	\$61,529,478	\$70,452,490

¹ The RFP was amended four times. All citations to the RFP are to the conformed copy provided in RFP amendment 4.

² As relevant here, a marginal rating was to be assigned to a proposal that did not demonstrate adequate experience with the solicitation's evaluation requirements, and/or the risk of unsuccessful performance was high. RFP at 112.

AR, Tab 9, Business Clearance Memorandum, at 11.

On August 15, the agency notified Parsons that the task order was awarded to SRC. COS/MOL at 20. The agency provided Parsons with a written debriefing on August 21, and written responses to Parsons' follow-up questions on August 30. Id. This protest followed.³

DISCUSSION

The protester challenges multiple aspects of the agency's evaluation of its technical capability. In the main, Parsons argues that the agency unreasonably ignored content in Parsons' proposal and failed to consider Parsons' satisfactory performance of the incumbent requirements. Supp. & Consol. Protest at 20-62. The protester also alleges that the agency engaged in disparate treatment in its evaluation of proposals. Comments & 2nd Supp. Protest at 7-34. In addition, the protester challenges the best value tradeoff. Supp. & Consol. Protest at 68-70; Comments & 2nd Supp. Protest at 54-56. The agency argues that its evaluation of Parsons' proposal was fair and reasonable. COS/MOL at 21-70. As discussed below, we find no basis to sustain the protest.⁴

The evaluation of proposals in a task order competition, including the determination of the relative merits of proposals, is primarily a matter within the agency's discretion, since the agency is responsible for defining its needs and the best method of accommodating them. Wyle Labs., Inc., B-407784, Feb. 19, 2013, 2013 CPD ¶ 63 at 6. An offeror's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. STG, Inc., B-405101.3 et al., Jan. 12, 2012, 2012 CPD ¶ 48 at 7. In reviewing protests challenging an agency's evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency, but rather examines 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. MicroTechnologies, LLC, B-413091, B-413091.2, Aug. 11, 2016, 2016 CPD ¶ 219 at 4-5.

³ The awarded value of the task order at issue exceeds \$25 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of orders under multiple-award IDIQ contracts. 10 U.S.C. § 2304c(e)(1)(B).

⁴ Parsons' initial and supplemental protests raised multiple allegations. While our decision here does not specifically discuss each and every argument and/or variation of the arguments, we have considered all of Parsons' assertions and find no basis to sustain the protest.

Technical Evaluation

Parsons argues that the agency unreasonably evaluated its proposal by ignoring content within the proposal and failed to consider its performance of the incumbent requirements. Supp. & Consol. Protest at 20-62. As relevant here, the RFP required offerors to utilize two attachments to demonstrate their technical capability--a reference information sheet providing summary data and a second reference information sheet providing contract specific data. RFP at 109; see also AR, Tab 6, RFP attachments 2A and 2B. Offerors were to submit reference information sheets for at least one, but no more than five, of the most current and relevant contracts and/or task orders performed by the prime contractor and significant subcontractors, if any.⁵ RFP at 108.

The reference information sheet required offerors to provide:

contract specific technical capabilities data required in [the technical capability factor] for the subfactors/elements identified [in the RFP]. Describe the nature and scope of work, its relevancy to this requirement, any proposed benefits of the experience to the Government, and a description of any problems encountered and your corrective actions.

AR, Tab 6, RFP attachment 2B. The RFP further explained that this narrative under each reference could not exceed 15 pages and must “separately describe the [offeror’s] experience [] so that the agency can evaluate the relevance of the experience performed under each reference.” RFP at 109. In addition, the RFP prohibited offerors from submitting a single narrative describing its experience for multiple references. Id. The RFP also stated:

A detailed, concise and comprehensive proposal is desired. The proposal shall be sufficient to enable evaluators to make a thorough and complete evaluation, and to arrive at a sound determination as to whether the requirements of this solicitation are satisfied. In preparing the proposal, emphasis should be placed on brief, complete, and factual data in the areas set forth in the RFP. Organization, clarity, accuracy of information, relevance, and completeness are of prime importance. Statements such as “will comply” or “noted and understood” without supporting narrative to define compliance are not acceptable. Cursory responses or responses which merely reiterate or reformulate solicitation language will not be considered as satisfying the requirements of the RFP or as demonstrating the ability to perform.

⁵ The RFP defined “current” as a contract or task order performed within the last three years from the date the RFP was issued, and “relevant” as similar to the RFP requirements. RFP at 108. A “significant subcontractor” was defined as a subcontractor performing at least 20 percent of the total proposed labor hours. Id.

Id. at 107.

Under the RDT&E and production engineering subfactor, the RFP required offerors to specifically address eight areas of the performance work statement (PWS), and stated that the agency would evaluate proposals to assess the following:

Demonstrate[d] experience and technical capabilities [] performing RDT&E and Productions Engineering relative to CND capabilities/technologies identified in the PWS. The offeror shall specifically address RDT&E experience with requirements gathering-definition-analysis, capability design, capability test planning, modeling [and] simulation, baseline configuration [and] hardening, and security [and] functional testing/analysis as defined in the PWS. The offeror shall specifically address Production Engineering experience with build integration planning (system of systems integration), and build integration and validation as defined in the PWS.

RFP at 113. As relevant here, section 3.5.1.2 of the PWS related to requirements gathering, definition, and analysis and stated that the contractor shall “elicit and research programmatic and operational stakeholder requirements to derive a capability’s technical requirements to include at a minimum the following categories: best practices, installation, interoperability, performance, policy and mandates, functional, system administration, sustainment (ND-003).” Id. at 23.

In its evaluation of Parsons’ proposal, the agency found that Parsons demonstrated experience in six of the eight areas that the RFP required offerors to specifically address. The agency did not identify any strengths in Parsons’ proposal, but identified two weaknesses for the areas it concluded Parsons’ proposal had failed to adequately demonstrate experience--requirements gathering, definition, and analysis; and baseline configuration and hardening. AR, Tab 8, SEB Report, at 18-21. In pertinent part, the weakness regarding requirements gathering, definition, and analysis was explained as follows:

[T]he proposal, does not meet the requirement or adequately demonstrate experience and technical capability elicited and researched programmatic and operational stakeholder requirements to derive a capability’s technical requirements. . . . [W]hile Parsons references the requirements gathering at a high level, they do not adequately demonstrate experience and technical capability deriving CND capability technical requirements to include: best practices, installation, interoperability, performance, policy and mandates, functional, system administration, sustainment. As such, this is considered a flaw in Parsons’ proposal resulting in a weakness that would increase the risk of integrity issues of requirements gathering, definition, and analysis of future CND capabilities.

Id. at 20.

The protester argues that the weakness identified by the agency regarding Parsons' failure to demonstrate its experience performing requirements gathering, definition and analysis is unreasonable.⁶ Specifically, Parsons alleges that the weakness is contradicted by the plain terms of its proposal, and the agency impermissibly "feigned ignorance" of its experience despite the agency's knowledge of Parsons' performance of the incumbent contract and the contractor performance assessment reports (CPARS) Parsons submitted for the past performance factor. Supp. & Consol. Protest at 22-31. Parsons also argues that the agency's finding of a weakness is "contradicted by [] statements regarding Parsons' demonstrated adequate technical capability and experience in other PWS areas." Id. at 31. The agency argues that Parsons' proposal failed to provide sufficient detail to demonstrate its experience, and contends that evaluators were not required to consider information not contained in Parsons' proposal or information provided in response to the past performance factor when evaluating Parsons' technical capability. COS/MOL at 25-36.

Offerors are responsible for submitting a well-written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation and allows for meaningful review by the procuring agency. Aero Simulation, Inc., B-411373, B-411373.2, July 2, 2015, 2015 CPD ¶ 233 at 3. Agencies are not required to infer information from an inadequately detailed proposal, or to supply information that the protester elected not to provide. Engility Corp., B-413120.3 et al., Feb. 14 2017, 2017 CPD ¶ 70 at 16. 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. Jacobs Tech., Inc., B-411784, B-411784.2, Oct. 21, 2015, 2015 CPD ¶ 342 at 8.

Based on our review of the record, we find the agency's evaluation was reasonable. The protester argues that a three-page table in its proposal "provides 28 specific examples of Parsons' RDT&E work on the incumbent contract supporting legacy and current hardware and software deployed on both the Navy's shore and afloat networks." Supp. & Consol. Protest at 25 (citing AR, Tab 7, Parsons Technical Proposal, at 2-4). The protester cites to six specific examples in the table that it argues highlights areas where Parsons elicited, investigated, researched or implemented Navy stakeholder requirements. Id. at 25-26 (citing AR, Tab 7, Parsons Technical Proposal, at 2-4).

However, the title and purpose of the table, "Unparalleled Situational Awareness and Experience Supporting Legacy and Current Hardware and Software Deployed on Navy Shore and Afloat Networks," cited virtually all of the hardware and software listed in section 3.1.1.1 of the PWS that the contractor would be required to research, develop, test, evaluate, integrate, and sustain. See AR, Tab 7, Parsons Technical Proposal,

⁶ Parsons withdrew its protest challenging the weakness identified by the agency regarding Parsons' failure to demonstrate its experience performing baseline configuration and hardening. Comments & 2nd Supp. Protest at 41 n.6.

at 2-4; RFP at 17-18 (PWS § 3.1.1.1). In addition, while the table included discussion of Parsons' performance of RDT&E, we find reasonable the agency's conclusion that this discussion was high level and there was nothing specific addressing requirements gathering, definition, and analysis--the concern identified by the agency in the weakness. See id.

The protester also emphasizes language in its proposal that stated: "Parsons [subject matter experts] have performed RDT&E and production engineering including capability requirements gathering, definition and analysis, design, testing, modeling and simulation, baseline configuration and hardening, security and functional testing/analysis as well as build integration planning and validation for all CND technologies listed in [the table] and more (PWS 3.5.1.2 - 3.5.1.8, 3.6.1.4, 3.6.1.7)." Supp. & Consol. Protest at 26 (citing AR, Tab 7, Parsons Technical Proposal, at 5). As noted, the RFP advised that "[c]ursory responses or responses which merely reiterate or reformulate solicitation language will not be considered as satisfying the requirements of the RFP or as demonstrating the ability to perform." RFP at 107. The language cited by the protester simply restates the requirements and cites to the relevant sections of the PWS. The protester has not identified any language in its proposal to refute the agency's finding that Parsons' discussion was only at a high level and failed to demonstrate its experience performing requirements gathering, definition, and analysis. Encentric, Inc., B-412368.3, Apr. 19, 2016, 2016 CPD ¶ 121 at 6 (evaluators are not required to cobble together information and draw broad inferences that the requirements of an RFP are met where the solicitation requires offerors to clearly demonstrate that they meet the requirements).

Parsons also argues that the evaluators unreasonably failed to consider information from its CPARS to find that it demonstrated its experience performing requirements gathering, definition, and analysis. Supp. & Consol. Protest at 29. Here, the RFP stated: "[t]he Government reserves the right to consider information other than that included on the [reference information sheets]." RFP at 114. However, as noted, the RFP required that offerors provide a narrative to "separately describe their experience under each reference so that the agency [could] evaluate the relevance of the experience performed under each reference." Id. at 109. We find that the agency's reservation of the right to consider information other than the information in the reference information sheets did not obligate the agency to consider CPARS or other past performance information, particularly since the RFP required offerors to explain in detail the experience cited in the reference information sheets. See ASPEC Engineering, B-406423, May 22, 2012, 2012 CPD ¶ 176 at 3 n.5 (an offeror that relies on an agency's knowledge that it had the necessary capability to perform the contract based on its incumbent performance as a substitute for submitting a well-written proposal runs the risk of having its proposal rejected as technically unacceptable where the proposal omits or provides inadequate information addressing fundamental factors).

We also find no merit in Parsons' contention that the weakness is contradicted by the agency's finding that Parsons demonstrated adequate technical capability and experience in other PWS areas. The agency's conclusion that Parsons demonstrated

experience in six of the eight areas that it was specifically required to address under the RDT&E and production engineering subfactor did not preclude the agency from finding that the proposal failed to demonstrate its experience performing requirements gathering, definition, and analysis. Encentric, Inc., supra. For all of these reasons, we find reasonable the agency's assignment of this weakness under the RDT&E and production engineering subfactor.

Under the logistics support subfactor, the RFP again identified areas of the PWS that offerors were required to specifically address, and stated that the agency would evaluate proposals to assess the following:

Demonstrate[d] experience and technical capability performing Integrated Logistics Support (ILS) for Navy Shore sites, ships, and submarines. The offeror shall specifically address the development of User's Logistics Support Summaries (ULSS), performing configuration management and specific experience with using CMPPro [software], processing ILS products in support of the Fleet and Shore installations, and performance of life cycle support and asset management.

RFP at 113. In its evaluation of Parsons' proposal, the agency found that Parsons demonstrated experience and technical capability performing some of the requirements, but also identified a weakness and the following significant weakness in Parsons' proposal:

(Ships and Submarines) Parsons did not demonstrate experience and technical capability performing ILS for Navy ships and submarines through the development of ULSSs, performing [configuration management (CM)] and specific experience with CMPPro [software], life cycle support, and asset management. While Parsons demonstrated experience and technical capability performing these ILS functions for Navy shore sites, they did not present relevant experience with Navy ships and submarines. As such, this is a flaw in Parsons' proposal, which results in a significant weakness that would appreciably increase the risk of identifying and documenting the logistics support structures and cause degradation [of] performance of CND capabilities for the fleet.

AR, Tab 8, SEB Report, at 25.

The protester argues that the significant weakness is unfair because its proposal made clear that it had substantial experience and technical capability performing ILS for Navy ships and submarines. Supp. & Consol. Protest at 52-59. Parsons again cites to the table, discussed above, to argue that its proposal provided the requisite detail to demonstrate its experience. Id. at 53-54. Parsons argues that the table's title explains that its purpose is to demonstrate Parson's experience for "Navy Shore and Afloat Networks," and that the use of the term afloat represents its experience with ships and submarines. Id. Parsons also argues that other portions of its proposal provided the

required information, and that the agency failed to consider information in its CPARS that proves Parsons possesses the experience and technical capability. Id. at 54-57 (citing AR, Tab 7, Parsons Technical Proposal, at 9-10).

Consistent with our conclusion above, we also find here that the table addressed the hardware and software requirements set forth in section 3.1.1.1 of the PWS, and failed to provide detail of Parsons' experience with ILS for ships and submarines. The use of the word "afloat" in the table and other portions of Parsons' proposal along with cursory statements of Parsons' capabilities did not satisfy the RFP's requirements that Parsons specifically demonstrate experience and technical capability performing the logistics support requirements on ships and submarines. Jacobs Tech., Inc., supra; Great Lakes Towing Co. dba Great Lakes Shipyard, B-408210, June 26, 2013, 2013 CPD ¶ 151 at 7-8 (where a proposal omits, inadequately addresses, or fails to clearly convey required information, the offeror runs the risk of an adverse agency evaluation). Further, as noted, the agency was not obligated to consider CPARS or other past performance information since the RFP required offerors to explain in detail the experience cited in the reference information sheets. See ASPEC Engineering, supra.

Disparate Treatment

Parsons further argues that the agency engaged in disparate treatment, and applied a significantly more exacting standard when evaluating Parsons' proposal than it did to SRC's proposal. Parsons alleges the SRC's proposal similarly lacked detail in multiple areas that the agency should have identified as weaknesses; Parsons also contends the agency should not have identified the strengths for which SRC's proposal was credited. Comments & 2nd Supp. Protest at 7-34. The agency argues that Parsons did not provide a concise and detailed proposal that addressed the evaluation criteria, and often provided information that was not relevant to the evaluation criteria. The agency further argues that unlike Parsons, SRC provided a detailed narrative that specifically addressed each of the areas of the PWS as requested by the technical capability subfactors, and that its evaluation treated the offerors fairly and equally. Supp. MOL at 7-20.

Where a protester alleges unequal treatment in a technical evaluation, it must show that the differences in ratings did not stem from differences between the offerors' proposals. IndraSoft, Inc., B-414026, B-414026.2, Jan. 23, 2017, 2017 CPD ¶ 30 at 8-9; Paragon Sys., Inc.; SecTek, Inc., B-409066.2, B-409066.3, June 4, 2014, 2014 CPD ¶ 169 at 8-9. Here, Parsons has not made the requisite showing that the agency treated the two proposals unequally. See Alphaport, Inc., B-414086, B-414086.2, Feb. 10, 2017, 2017 CPD ¶ 69 at 7.

The record shows that both Parsons and SRC, including SRC's significant subcontractors, have performed the requirements at issue here, and both offerors identified this experience in their reference information sheets. AR, Tab 7, Parsons Technical Proposal; Tab 20, SRC Technical Proposal. However, the offerors did not otherwise employ the same approach when responding to the requirements in their 15-

page narratives. While Parsons' proposal provided a narrative for each of the subfactors it deemed applicable to each contract reference, the SRC proposal, in contrast, provided a narrative for each of the PWS sections the technical capability subfactors required offerors to specifically address. AR, Tab 7, Parsons Technical Proposal; Tab 20, SRC Technical Proposal. For example, unlike the Parsons proposal, the SRC proposal devoted almost a full page of its 15-page narrative to discussion of SRC's experience performing requirements gathering, definition, and analysis; the agency identified this as a strength in its evaluation of SRC's proposal. AR, Tab 20, SRC Technical Proposal, at 3-4; Tab 8, SEB Report, at 30-31. As it did in its evaluation of Parsons' proposal, the agency identified areas where SRC had demonstrated its experience and technical capability regardless of whether the agency identified a strength or a weakness in the proposal. AR, Tab 8, SEB Report, at 27-37. In sum, as discussed above, we find reasonable the agency's conclusion that Parsons' proposal addressed some of the requirements at a high level of detail. As a result, on this record, we find no evidence of disparate treatment in the evaluation of offerors under the technical capability factor.

Best-Value Tradeoff

Finally, the protester argues that the agency's best-value tradeoff was flawed as a result of the underlying evaluation errors in the agency's evaluation of Parsons' proposal, the agency's disparate treatment of proposals, and the agency's conclusion that SRC's proposal is worth the price premium. Supp. & Consol. Protest at 68-70; Comments & 2nd Supp. Protest at 54-56. Where, as here, a solicitation provides for a tradeoff between the cost/price and non-cost factors, the agency retains discretion to make award to a firm with a higher technical rating, despite the higher price, so long as the tradeoff decision is properly justified and otherwise consistent with the stated evaluation and source selection scheme. See, e.g., TtEC-Tesoro, JV, B-405313, B-405313.3, Oct. 7, 2011, 2012 CPD ¶ 2 at 10. In reviewing protests of an agency's source selection decision, even in a task order competition as here, we do not reevaluate proposals but examine the record to determine whether the evaluation and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. See MILVETS Sys. Tech., Inc., B-409051.7, B-409051.9, Jan. 29, 2016, 2016 CPD ¶ 53 at 5.

Based on our review of the record, we find no basis to question the agency's judgments in performing the evaluation. As discussed above, we conclude that the weaknesses and significant weakness identified by the agency in Parsons' proposal were reasonable, and support the agency's rating of marginal for the technical capability factor. Further, the record indicates that SRC's proposal more clearly articulated its technical capability based on the corporate experience of SRC and its significant subcontractors, and provided more detail than Parsons' proposal. The agency performed a comparative assessment of SRC's and Parsons' proposals and "determined SRC to be the technically superior offeror" and provided "benefits [that] far outweigh the estimated cost premium over Parsons' proposal." AR, Tab 9, Business Clearance Memorandum, at 29. Accordingly, we find that the record demonstrates that

the agency fairly and reasonably evaluated proposals, and meaningfully considered the associated price premium in the selection of SRC's proposal for award.

The protest is denied.

Thomas H. Armstrong
General Counsel