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Decision

Matter of: Global Logistics Providers, LLC

File: B-416843

Date: December 26, 2018

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DIGEST

Protest challenging the agency's evaluation of protester's proposal is denied where the record shows that the evaluation was reasonable and consistent with the solicitation's evaluation criteria.

DECISION

Global Logistics Providers, LLC (Global), of Stamford, Connecticut, protests the award of indefinite-delivery/indefinite-quantity (IDIQ) contracts to four other firms by the Department of the Army, Regional Contracting Office-Africa, under request for proposals (RFP) No. W56PFY-18-R-0001, for surface distribution services within the United States Africa Command (USAFRICOM) area of responsibility (AOR). Global protests that the agency's evaluation ignored parts of its proposal and was unreasonable.

We deny the protest.

BACKGROUND

The RFP, issued on March 29, 2018, contemplated award of up to four IDIQ contracts for the surface distribution services. RFP, Amendment 0005, at 2. Under the RFP, the contractors will be required to provide secure intra-theater surface transportation and distribution of cargo within all 55 countries of the USAFRICOM AOR and Egypt. RFP Amend. 0004, Performance Work Statement (PWS) § 1.0. Contractors must provide all resources to perform the services, including logistics support and management to

perform surface transport and distribution of cargo within all the countries. Id. § 1.2. The contractors also will have to obtain all necessary licenses and permits to operate in the applicable countries and must comply with the laws, codes, and regulations of each country within the AFRICOM AOR. Id. In addition to the surface transportation services, contractors may be required to perform a variety of other transportation services, including providing daily situation reports, obtaining customs clearance and border crossings, establishing cargo staging areas and transfer sites, and providing material handling equipment and cargo handling at the origin, staging, and destination areas. Id. § 1.3.

The RFP required proposals to be “precise, factual and describe in sufficient detail how the proposed method(s) will meet the requirements set forth in the solicitation and the PWS.” RFP, Amend. 0003, at 2. Offerors were required to submit both an original and a redacted copy of their proposals. Id. at 3. In response to questions regarding the redacted copy of the proposals, the agency explained that offerors were to redact the “Company’s Name, Address, LOGO’s, and anything that will identify the company.” Id., Amend. 0002 at 6-7.

The RFP stated that award would be made on a best-value tradeoff basis, considering the following factors: technical, past performance, and price. RFP at 95. The technical factor had two subfactors: technical approach and experience. Id. For each subfactor, proposals were rated as outstanding, good, acceptable, marginal, or unacceptable. Id. at 96-97. Proposals had to receive a rating of no less than acceptable for the technical factor, including both subfactors, to be considered for award. Id. at 95.

As relevant here, for the experience subfactor, the RFP identified three different elements and required offerors to “demonstrate that they have experiences in providing similar requirements” as described in each element. RFP, Amend. 0003, at 4. Offerors were instructed to provide “detailed, descriptive documentation that demonstrates and addresses the required performance outlined in the PWS in multiple regions and multiple countries in Africa.” Id. The projects that offerors relied on to demonstrate the experience had to be similar or greater in size, scope, magnitude, and complexity to the effort required by the RFP. Id. The RFP also required that offerors provide for each referenced project the following information: (1) contract number or project name; (2) customer organization; (3) point of contact; (4) length of contract; (5) contract value; and (6) description of the experience. Id.

Element 1 consisted of experience in hauling and handling for a distance of 300 kilometers or more: (1) break-bulk or containerized cargo requiring the use of flatbed trailers up to 40 feet long; and (2) heavy vehicles, weighing 25 tons or more requiring the use of a lowboy or step trailer. Id. Offerors were required to show that they performed these services in multiple regions and countries.¹ Id. Element 2 consisted of

¹ The RFP identified the five regions as North Africa, West Africa, Central Africa, East Africa, and Southern Africa. RFP, Amend. 0003, at 4. The RFP also listed the

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experience providing services with certain material handling equipment: (1) a 25 ton boom crane or equivalent; (2) a 10 kilogram forklift or equivalent; and (3) a 4 kilogram variable reach forklift or equivalent. Id. The RFP described element 3 as experience in “import or export customs clearance, and in transit border crossing clearance in multiple regions and multiple countries.” Id. at 4-5. For this element, the RFP stated that a project involving a customs clearance and border crossing from one region to another would be considered as only one region; thus, offerors had to provide evidence of experience showing customs clearance or border crossing in another region to demonstrate experience in multiple regions. Id. at 5.

The RFP stated that technical proposals would “be evaluated based on the descriptive elements offerors are required to address for each of the sub-factors.” RFP, Amend. 0002, at 13. The agency would evaluate whether the offeror’s proposal “completely considered, and satisfied the requirements specified in the RFP.” Id. To that end, the agency would evaluate “the extent to which each requirement has been addressed in the proposal.” Id. The agency also would evaluate “the extent to which the proposals demonstrate a clear understanding of all technical aspects involved in addressing and meeting the performance requirements of the solicitation.” Id.

To address the experience subfactor, Global’s proposal included 17 different project narratives that described work it had performed in the Africa region between 2015 and 2018. AR, Tab 10c, Global Tech. Prop. Redacted at 26-41. The project narratives discussed different types of equipment that Global transported in various countries in Africa, and generally described the work that Global had performed, tracing the delivery of equipment from the origin country to the destination country. See id. The project narratives did not specifically discuss how the projects related to any of the three elements identified in the RFP for the experience subfactor. See id.

Global’s proposal directly addressed the three elements of this subfactor in three short sections, in which it generally stated it had experience with the criteria for each of the elements. For element 1, Global stated that it “has relevant experience in handling haulage and transportation [on] U.S. Government projects for distance[s] of 300 Km and more in each of [the] African Regions,” and listed West Africa, Central Africa, and East Africa as the regions. Id. at 41. For element 2, Global’s proposal stated that it “has experience in providing port handling services” which included “provision of Material Handling Equipment . . . for loading operations at Port and transloading activities at border transit points.” Id. The proposal also included a list of equipment that Global had transported. Finally, for element 3, Global’s proposal stated that it “has relevant experience in handling Import, Export and transit customs formalities for U.S. Government projects” and “in providing timely clearance services to US government Projects” in the West, Central, and East African regions. Id. at 42.

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countries located in each region; there were a total of 56 countries across all five regions. Id.

The agency received proposals from 11 offerors, including Global. AR, Tab 1, Contracting Officer Statement (COS), at 2. The Source Selection Evaluation Board (SSEB) conducted an initial evaluation of the proposals and summarized its evaluation in a technical evaluation report.² Id. The SSEB then submitted its technical evaluation report to the Source Selection Authority (SSA). Id.; see also, AR, Tab 16, SSEB Final Consensus Report, at 17. The SSA reviewed the SSEB’s report and documented her award decision in the Source Selection Decision Document (SSDD).³ AR, Tab 1, COS, at 3; see also AR, Tab 17, SSDD.

Global received the following ratings for the technical factor:

	Technical Approach Subfactor	Experience Subfactor	Technical Factor Overall
Rating	Marginal	Marginal	Marginal

AR, Tab 18, SSA Final Justification Rating Report, at 13.⁴

Under the experience subfactor, the SSEB assessed three weaknesses to Global’s proposal because it “did not demonstrate the adequate experience” and “did not specify the services and equipment” for any of the three elements. AR, Tab 16, SSEB Final Consensus Report, at 20. The SSEB also determined that Global’s proposal did not provide the information for previous contract references that was required by the RFP because Global had redacted this information. Id. Referencing the project narratives that Global submitted to demonstrate its experience, the SSA further found that Global “has not provided detailed and descriptive documentation that demonstrated and addressed the required performance outlined in the PWS in multiple regions and multiple countries in Africa.” AR, Tab 18, SSA Final Justification Rating Report, at 10. The SSA also found that the project narratives “were repetitive and did not demonstrate the experience requirements that were specified for . . . elements 1, 2, 3.” Id. at 11.

² The AR index referred to this report as the SSEB Final Consensus Report; we do the same in this decision.

³ Attached to the SSDD was the SSA Final Justification Rating Report, which documented the SSA’s own evaluation and review of the SSEB report and provided support for the SSDD. AR, Tab 17, SSDD, at 26; see also AR, Tab 18, SSA Final Justification Rating Report.

⁴ As relevant here, a marginal rating reflected a proposal that “does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements.” RFP at 97.

Based on this evaluation, the agency rated Global's proposal as marginal for this subfactor. AR, Tab 17, SSDD, at 21.⁵

As a result of the marginal rating on both subfactors and the technical factor overall, Global was not considered for award. Id. The agency made award to four offerors whose prices ranged from \$3,285,978.75 to \$14,052,138.67.⁶ Id. at 44. Following a debriefing, Global timely filed a protest with our Office.

DISCUSSION

Global argues that the agency ignored parts of its proposal in assessing three weaknesses under the experience subfactor.⁷ Global also asserts that the agency evaluated only the redacted version of Global's proposal and therefore did not see certain information that demonstrated Global's experience under this subfactor. The agency argues that its evaluation was reasonable and that Global's proposal failed to provide detailed information about how Global would meet the requirements for the experience subfactor.

In reviewing a protest challenging an agency's evaluation of proposals, our Office will not reevaluate proposals nor substitute our judgment for that of the agency, as the evaluation of proposals is generally a matter within the agency's discretion. The Pragma Corp., B-415354.2 et al., May 29, 2018, 2018 CPD ¶ 198 at 6. Rather, we will review the record only to assess whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. FP-FAA Seattle, LLC, B-411544, B-411544.2, Aug. 26, 2015, 2015 CPD ¶ 274 at 7. An offeror's disagreement with an agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. Birdwell Bros. Painting & Refinishing, B-285035, July 5, 2000, 2000 CPD ¶ 129 at 5.

⁵ The SSDD did not have page numbers; we have cited to the page numbers of the electronic version of this document.

⁶ Global's proposed price was \$7,860,746.03. AR, Tab 17, SSDD, at 44.

⁷ Global challenged the agency's evaluation of its proposal under both of the technical subfactors. It also claimed that the agency conducted unequal discussions. Because we conclude that the agency reasonably rated Global's proposal as marginal under the experience subfactor, and therefore properly determined that Global could not be considered for award, Global is not an interested party to raise these other issues. See US21, Inc., B-415552.4, Aug. 1, 2018, 2018 CPD ¶ 255 at 6. At any rate, the agency report makes clear that the agency did not conduct discussions. AR, Tab 17, SSDD, at 43. Moreover, in its comments on the agency report Global did not provide any response to the agency's position on this claim, and therefore has abandoned this protest ground. See Yang Enters., Inc., B-415923, Mar. 12, 2018, 2018 CPD ¶ 109 at 2.

In its protest, Global contends that its proposal included “detailed, verifiable, recent experience narratives pertaining to multiple countries and regions in Africa.” Protest at 10. Global further argues that its proposal “discuss[ed] its specialty equipment and material handling equipment experience globally,” and that it did not discuss this experience in each of the 17 project narratives because that “would have been impractical given the tight page limitations imposed upon the technical proposal.” Protester Comments at 9. Nevertheless, Global asserts that its project narratives sufficiently demonstrate the experience required for each of the three elements for this subfactor. See id. at 8-9.

In response to Global’s protest, the agency asserts that Global’s proposal generally failed to address in sufficient detail the requirements for all three elements under the experience subfactor. With respect to element 1, the agency argues that Global’s project narratives failed to mention the equipment specifically identified in the RFP, and did not specifically address the requirement to show experience in hauling this equipment 300 kilometers or more. Memorandum of Law (MOL) at 29-30. For element 2, the agency notes that while Global’s proposal included a prospective list of material handling equipment it would utilize for this contract, Global’s project narratives did not discuss any of the equipment specifically identified in the RFP, or how any of this equipment was used for a particular project. Id. at 31. Finally, for element 3, the agency argues that Global’s proposal discussed border crossings and clearances in countries, not regions, and that Global could have indicated the multiple regions that pertained to each project but did not. Id. at 33. The agency further asserts that the general statements in Global’s proposal that it had the experience required for each element were conclusory and not sufficient to meet the RFP requirements. See id. at 29-33.

On this record, we find that the agency’s evaluation of Global’s proposal under the experience subfactor was reasonable and consistent with the RFP. As explained above, under this subfactor the RFP required offerors to provide detailed, descriptive documentation that demonstrated their experience providing specific services as described in three different elements. RFP, Amend. 0003, at 4. For each element, offerors had to demonstrate their experience in multiple regions and countries in Africa. Id.

Here, Global’s proposal failed to explain how any of the project narratives describing its experience related to any of the three elements. As the agency noted, the narratives did not mention the equipment specifically identified in the RFP for element 1, nor did they discuss the material handling equipment identified for element 2. For element 3, the narratives stated that the work involved transit clearance, but did not explain whether this clearance involved border crossings in multiple regions. In short, Global’s project narratives did not provide “detailed, descriptive documentation” that demonstrated how the projects were representative of the experience and services required under each of the three elements. Global’s proposal directly addressed the three elements only in three short sections, in which it made broad, general statements that it had experience with the criteria for each of the elements.

Based on our review of the record, we find that it was reasonable for the agency to conclude that Global's project narratives did not demonstrate Global's experience with the requirements in elements 1, 2, or 3, and that the general statements in its proposal were conclusory and not sufficient to meet the specific RFP requirements. Global's claim that it could not discuss how its experience relates to the three elements in each of the 17 project narratives because of tight page limitations is unconvincing.⁸ The RFP advised offerors that their proposals should be "precise, factual and describe in sufficient detail how the proposed method(s) will meet the requirements set forth in the solicitation and the PWS." RFP, Amend. 0003, at 2. Moreover, it is the offeror's responsibility to submit a well-written proposal, with adequately detailed information that addresses the requirements of the RFP and allows for meaningful review by the agency. See, e.g., The Pragma Corp., supra, at 7. Thus, it was Global's responsibility to submit a proposal that contained sufficient detail to demonstrate how it would meet the requirements of the three elements. On this record, we find it reasonable and consistent with the solicitation for the agency to have assessed Global three weaknesses under this subfactor.

Global next argues that it was improperly downgraded for redacting from its proposal certain information about its prior projects. Global contends that because the SSEB evaluated only Global's redacted proposal, the agency did not see information that demonstrated Global's experience for the experience subfactor. Protester's Comments at 2, 4, 9.

In response, the agency asserts that Global's redactions did not affect its evaluation because the SSA ultimately provided the SSEB with the necessary information that had been redacted. AR, Tab 1, COS, at 12. The agency further argues that providing the SSEB with this information did not change Global's rating because the other weaknesses in Global's proposal warranted the marginal rating, regardless of the redacted information. Id.; see also MOL at 28-29.

On this record, we do not agree that the agency improperly downgraded Global's proposal for its redactions. The record shows that the basis for assigning a marginal rating to Global's proposal was not the redactions, but the agency's conclusion that the proposal did not demonstrate adequate experience, or specify the services and equipment in accordance with any of the three elements under the experience subfactor. Indeed, the record further shows that the SSA reviewed the unredacted version of Global's proposal and did not consider Global's redactions to be a

⁸ In this regard, our review of the record supports the agency's finding that Global's project narratives were repetitive. Many of the narratives repeated the same entire paragraphs verbatim, describing general facts instead of addressing the RFP requirements or describing how each referenced contract demonstrated experience with the required elements. See AR, Tab 10c, Global Tech. Prop. Redacted at 26-41.

deficiency.⁹ AR, Tab 17, SSDD, at 27. Rather, the SSA concluded that Global's marginal rating was warranted because of the other weaknesses in Global's proposal, wholly apart from it redacting information about prior projects.¹⁰ AR, Tab 1, COS, at 12; AR, Tab 18, SSA Final Justification Rating Report, at 12.

In sum, our review of the record shows that the agency reasonably evaluated Global's proposal under the experience subfactor. Based on the three weaknesses assigned under this subfactor, it was reasonable for the agency to rate Global's proposal as marginal and to determine that it should not be considered for award. The protester's arguments otherwise do not provide a basis to sustain the protest.

The protest is denied.

Thomas H. Armstrong
General Counsel

⁹ The parties also dispute whether Global's redactions exceeded what was required by the RFP. We need not resolve this dispute, since we have concluded, on this record, that the agency in fact reviewed the portions of the proposal that had been redacted. Thus, even were we to agree that the RFP required offerors to redact this information, Global cannot show that the redactions themselves affected the rating of Global's proposal.

¹⁰ Furthermore, the only information that Global redacted in the project narratives was Global's name and the name of its key personnel. Compare AR, Tab 10b, Global Tech. Prop. Original, at 26-41 with AR, Tab 10c, Global Tech. Prop. Redacted, at 26-41. These redactions did not prevent the agency from evaluating the substance of each project narrative and concluding that the narratives did not provide the necessary detail.