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Decision

Matter of: Trillion Technology Solutions, Inc.

File: B-413104.32

Date: April 5, 2019

Lars E. Anderson, Esq., and Shiva S. Hamidinia, Esq., Odin Feldman & Pittleman PC, for the protester.

Christine Simpson, Esq., and Anthony E. Marrone, Esq., Department of Health and Human Services, for the agency.

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DIGEST

Protest that agency unreasonably eliminated protester's proposal from consideration for award is denied where protester described its experience, but did not, as instructed by the solicitation, describe the approach and methodology it would utilize in performance.

DECISION

Trillion Technology Solutions, Inc., an 8(a) small business of Reston, Virginia, protests the rejection of the proposal it submitted in response to request for proposals (RFP) No. NIHJT2016015, issued by the Department of Health and Human Services, National Institutes of Health (NIH), for the National Institutes of Health Information Technology Acquisition and Assessment Center, Chief Information Officer-Solutions and Partners 3 (CIO-SP3) Small Business contract.¹ Trillion complains that the agency unreasonably determined that its proposal was unacceptable.

We deny the protest.

¹ NIH administers three government-wide multiple-award indefinite-delivery, indefinite-quantity (IDIQ) contracts for information technology (IT) supplies and contracts, including the CIO-SP3. Memorandum of Law at 1. The agency issued the solicitation here seeking proposals for the award of additional IDIQ CIO-SP3 contracts to expand the pool of vendors eligible to compete for task orders.

BACKGROUND

The solicitation, for information technology support services, contemplated the award of multiple contracts to offerors in each of the following contractor groups: Historically Underutilized Business Zone small businesses, service-disabled veteran-owned small businesses, participants in the Small Business Administration's (SBA) 8(a) small business program, and small businesses. Agency Report (AR) Tab 3, RFP, at 142.² This protest concerns the 8(a) group.

Proposals were evaluated in two phases. During phase 1, proposals were evaluated against four criteria on a pass/fail basis.³ Id. at 141. During phase 2, those proposals that were rated acceptable under all four phase 1 criteria were evaluated for award using a best-value tradeoff methodology considering the following factors: technical capability and understanding; management approach; past performance; and price. Id. at 144-145.

As relevant to this protest, with respect to phase 2, the solicitation included 10 task areas, each of which was separately evaluated under the technical capability and understanding factor.⁴ Id. at 144. To be considered for award, 8(a) offerors were required to be rated acceptable or higher under the technical capability and understanding factor for task area 1--IT services for biomedical research and healthcare, and a minimum of five additional task areas. Id. at 143. The solicitation set forth the following as the objective of task area 1:

The objective of this Task Area is to support Biomedical Research, Health Sciences and Healthcare by performing studies and analyses and providing operational, technical, and maintenance services for the systems, subsystems, and equipment, some of which interface with, and are extensions to, information systems throughout the Federal Government.

Id. at 146.

² Page citations are to the numbers added by the agency in the report.

³ These criteria included the following: compliant proposal; verification of an adequate accounting system; information technology services for biomedical research, health sciences, and health care; and domain-specific capability in a health related mission. RFP at 143-144.

⁴ The solicitation also referred to these 10 task areas as subfactors. RFP at 144. For purposes of this decision, we refer to them as task areas.

Trillion was rated acceptable under the phase 1 criteria. During the phase 2 evaluation, Trillion was rated unacceptable⁵ under the technical capability and understanding factor for task area 1, and eliminated from the competition. Trillion was provided a debriefing on January 4, and this protest followed.

DISCUSSION

With respect to the technical capability and understanding factor, the solicitation provided the following:

- a. The proposal shall demonstrate the Offeror's overall Technical Approach and the specific Methodology that supports each applicable Task Area.
- b. Proposals providing examples of experience and/or qualifications addressing the specific Task Areas that demonstrate the Offeror's increased competence, increased merit and/or increased probability of successful contract performance, may be evaluated more favorably.

RFP at 135. Offerors were further advised that:

The Government will evaluate . . . the Offeror's proposed technical approach and methodology in order to assess the level of knowledge and expertise for each Task Area proposed. More favorable ratings may be assessed for Offerors providing additional examples of their experience and/or qualifications beyond those minimally required to address a specific Task Area.

Id. at 146. The agency rated Trillion's proposal unacceptable under this factor and specifically under task area 1. The agency found that while the proposal demonstrated strengths in its technical experience and internal initiative, the proposal had a significant weakness that made it unacceptable for task area 1. AR, Tab 5.2, Technical Report, at 855-56. Specifically, the agency concluded that the proposal "failed to recognize, address, or consider the Government's requirements to demonstrate the Offerors' overall technical approach and the specific methodology" that Trillion would utilize to perform task area 1. Id. at 856. Instead, the protester noted the methodology and approach that it used with past clients, without describing the technical approach or specific methodology it would use to address the solicitation requirements. Id. The agency concluded that this raised the possibility of unsuccessful performance to an unacceptable level. Id.

⁵ The solicitation defined an unacceptable rating for purposes of the technical capability and understanding and management approach factors as a "proposal [that] fails to recognize, address, or consider the Government's requirements." RFP at 145.

Trillion argues that the agency unreasonably evaluated its proposal as unacceptable under this task area.⁶ According to Trillion, the solicitation provided that the agency would evaluate the offeror's approach and methodology to assess the offeror's level of knowledge and expertise for the task area. Trillion asserts that in its proposal, it demonstrated its knowledge and expertise through its superior past experience examples, and specifically stated that it would use the same technical approaches, solutions and methodologies to satisfy the requirements of task area 1 for the current solicitation. Protest at 16-17; Comments at 6-8. Trillion specifically notes that it described its agile development methodology and stated that it will use its numerous certified resources on staff to provide customer services. Id. Trillion also notes that in its proposal it stated that its methodology is aligned with the Federal Enterprise Architecture principles, and Federal Health Architecture and industry best practices.⁷ Id.

In reviewing a protest challenging an agency's evaluation of proposals, our Office will not reevaluate the proposals, but instead will examine the record to determine whether the evaluation was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. Del-Jen Educ. & Training Group/Fluor Fed. Solutions LLC, B-406897.3, May 28, 2014, 2014 CPD ¶ 166 at 8. A protester's disagreement with the agency's evaluation judgments, without more, does not establish that the evaluation was unreasonable. Jacobs Tech., Inc., B-411784, B-411784.2, Oct. 21, 2015, 2015 CPD ¶ 342 at 6. Our review of the record here provides us no basis to question the evaluation of Trillion's proposal under the technical capability and understanding factor for task area 1.

⁶ The agency also evaluated Trillion's proposal as unacceptable in three additional task areas pursuant to the technical capability and understanding factor. Since we conclude that the agency reasonably evaluated Trillion's proposal as unacceptable under task area 1, Trillion is not eligible for award. See RFP at 143, 145-146 (proposals that received an unacceptable rating for any of the evaluation factors (except price), task areas, or subfactors would be ineligible for award). Accordingly, we do not address the protest with respect to the evaluation of these other task areas.

⁷ In the comments that Trillion submitted in response to the agency report on February 21, Trillion asserted for the first time that the information the agency was seeking regarding expertise was related to the offeror's capability. Trillion alleged that the agency was therefore required to refer Trillion's proposal to the SBA for a certificate of competency (COC) review. Comments at 5-6 n.7. As Trillion was aware of the information that formed this basis of protest--that the agency was required to refer Trillion's proposal to the SBA for a COC review because the agency was evaluating Trillion's capability--when it filed its initial protest on January 11, its protest filed more than 10 days later is untimely. See Acquest Development LLC, B-287439, June 6, 2001, 2001 CPD ¶ 101 at 2 n.2.

Trillion is correct that the solicitation provided that the agency intended to evaluate an offeror's proposed approach and methodology to assess the offeror's level of knowledge and expertise for the specific task area being evaluated--in this case task area 1. Trillion is also correct that the evaluation criteria provided that proposals providing examples of experience and/or qualifications addressing the specific task areas that demonstrate the offeror's increased competence, increased merit and/or increased probability of successful contract performance may be evaluated more favorably. Trillion, however, ignores that the solicitation specifically required offerors to demonstrate the overall technical approach and specific methodology that would support each applicable task. See RFP at 135. That is, the agency was assessing the offeror's knowledge and expertise of the task area, based on the offeror's proposed approach and methodology as put forth in its proposal.

Here, we agree with the agency that in its proposal Trillion provided information on its past experience providing IT services for biomedical research, health sciences, and healthcare. Trillion, however, did not describe its overall technical approach or the specific methodology it would use to address task area 1 under the current solicitation.

For example, Trillion asserts that in its proposal it described its agile development methodology. Trillion's proposal in this regard states: "We have successfully used Agile development methodology for over 10 years. . . ." AR, Tab 4, Trillion Proposal, Sec. 2, at 1. Trillion, however, does not otherwise describe agile development methodology, or explain how it was used in its past contracts, or will be used in performing under the current solicitation.

The Trillion proposal also discusses its experience on contracts for two corporations, and its creation of a secure medical exchange. Id. Trillion describes the requirements of the contracts, including for example, that Trillion developed a hosted solution that would enable a company to reach the 20-40 million people in the country without healthcare. Id. Trillion explained that it performed from the concept through the development and maintenance stages of the hosted solution. Id. According to Trillion, its phase 1 portal for this system included a bilingual website with patient registration, doctor registration, and payment handling and electronic health records. Id. During phase 2, Trillion stated that it developed electronic health records and a predictive analytics functionality for the electronic health records. Id. at 2. Trillion notes that the high level of the components for this application included authentication and authorization, user management administration, notifications, exceptions, and external application integration. Id. This is a cogent description of Trillion's experience. Nowhere in the discussion, however, does Trillion discuss the approach it will take and the methodology it will use to perform the current solicitation.

Trillion's proposal also discusses its other experiences--including on a different contract for a major corporation and in creating a mobile platform to provide doctors, nurses, and medical staff with reliable Health Insurance Portability and Accountability Act-complaint communications. Id. at 3. This information, however, discusses what Trillion did,

without explaining the approach and methodologies that Trillion used to perform those contracts or will use to perform under the instant solicitation. Id.

Accordingly, the agency reasonably assigned Trillion's proposal a rating of unacceptable for its technical approach and understanding for task area 1. In this regard, the "proposal fail[ed] to recognize, address, or consider the Government's requirements" with respect to an overall technical approach and specific methodology for task area 1. See RFP at 145. Since Trillion's proposal was reasonably rated unacceptable for task area 1, Trillion is ineligible to receive a contract award.

The protest is denied.

Thomas H. Armstrong
General Counsel