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Decision

Matter of: Up and Running 6K, LLC

File: B-415716.26

Date: May 29, 2019

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DIGEST

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

DECISION

Up and Running 6K, LLC (Up and Running), a small business of Montgomery, Alabama, protests the exclusion of its proposal from the competition by the Department of the Air Force under request for proposals (RFP) No. FA8771-17-R-1000 for information technology (IT) services.

We deny the protest.

BACKGROUND

On September 28, 2017, the Air Force issued the Small Business Enterprise Application Solutions (SBEAS) RFP, which was set aside for small businesses, pursuant to the procedures of Federal Acquisition Regulation (FAR) part 15. Agency Report (AR), Tab 4, RFP at 162.¹ The solicitation contemplated the award of 40 indefinite-delivery,

¹ Citations to the RFP are to the conformed copy provided by the agency. AR, Tab 4, RFP.

indefinite-quantity (IDIQ) contracts with a 5-year base and 5-year option ordering period. Id. at 138-139, 162. The scope of the SBEAS RFP included a “comprehensive suite of IT services and IT solutions to support IT systems and software development in a variety of environments and infrastructures.” Id. at 130. Additional IT services in the solicitation included, but were not limited to, “documentation, operations, deployment, cybersecurity, configuration management, training, commercial off-the-shelf (COTS) product management and utilization, technology refresh, data and information services, information display services and business analysis for IT programs.” Id.

Proposals were to be evaluated based on two factors, technical experience and past performance.² Id. at 164. The technical experience factor was comprised of ten technical elements and various sub-elements (each with a designated point value), and one non-technical experience element.³ Id. at 165-171. The past performance factor was comprised of the following three subfactors in descending order of importance: life-cycle software services, cybersecurity, and information technology business analysis. Id. at 164. Award was to be made on a past performance tradeoff basis among technically acceptable offerors, using the three past performance subfactors. Id. at 162.

Section L of the solicitation instructed offerors that “[t]he proposal shall be clear, specific, and shall include sufficient detail for effective evaluation and for substantiating the validity of stated claims.” Id. at 142. Offerors were instructed to not simply rephrase or restate requirements, but to “provide [a] convincing rationale [addressing] how the [o]fferor’s proposal meets these requirements.” Id. The RFP also instructed offerors to assume that the agency has no knowledge of the offeror’s facilities and experience, and would “base its evaluation on the information presented in the [o]fferor’s proposal.” Id.

The solicitation provided that offerors should submit their proposals in four volumes: capability maturity model integration (CMMI) documentation, technical experience, past

² The solicitation stated that pursuant to “10 U.S.C. § 2305(a)(3)(C), as amended by Section 825 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, the Government will not evaluate cost or price for the IDIQ contract. Cost or price to the Government will be considered in conjunction with the issuance of a task or delivery order under any contract awarded hereunder.” Id. at 162.

³ The technical experience factor was comprised of the following ten technical elements: (1) life-cycle software services; (2) cybersecurity; (3) IT business analysis; (4) programming languages/frameworks; (5) tools/software development methodologies; (6) platforms/environments; (7) database components; (8) mobile/internet of things; (9) server operating systems; and (10) COTS/GOTS (government-off-the-shelf)/FOSS (free and open source software) software, as well as the non-technical experience element of government facility clearance level. Id. at 165-171. Under these ten elements are a series of sub-elements, designated by letters. For example, under the first element are five sub-elements, designated as 1a, 1b, 1c, 1d, and 1e. Id. at 165-166.

performance, and contract documentation. Id. at 145. As relevant to this protest, the technical volume was to contain a table of contents, a cross-reference matrix,⁴ a glossary of terms, a self-scoring worksheet, and technical narratives (TNs).⁵ Id. at 149. The RFP instructed offerors to describe, in their TNs, experience that supports the technical element points claimed in the self-scoring worksheet. Id.

The solicitation stated that the agency intended to evaluate proposals and make awards without discussions to the offerors deemed responsible, and whose proposals conformed to the solicitation's requirements and were judged, based on the evaluation factors, to represent the best value to the government.⁶ Id. at 162-163.

Section M of the solicitation established a tiered evaluation process. Id. at 163-164. The first step of the evaluation was a CMMI appraisal, which required offerors to be certified at level 2 in CMMI.⁷ Id. If an offeror passed the CMMI appraisal as level 2 certified, the agency would then evaluate an offeror's technical experience using the self-scoring worksheet and TNs provided by the offeror. Id. at 164. The solicitation provided that technical experience would receive an adjectival rating of acceptable or unacceptable. Id. at 164-165. A proposal would be considered acceptable when it attained 4,200 points per the self-scoring worksheet, and was "verified per the technical narratives." Id. at 165.

In the event that technical experience was evaluated as acceptable, the agency would then evaluate the offeror's past performance. Id. at 164. The agency would review the accompanying past performance narratives and evaluate each offeror's past performance references for recency, relevancy, and quality.⁸ Id. at 172.

⁴ The RFP's instructions directed offerors to complete a cross-reference matrix, which was attached to the solicitation. Id. at 146, 179-183. The offeror's cross-reference matrix was required to demonstrate "traceability" between the offeror's contract references. Id. at 146. An offeror's cross-reference matrix was required to show "which contract references [were] used to satisfy each technical element and each past performance sub-factor." Id.

⁵ The solicitation allowed offerors to provide up to six contract references, each of which was to have its own TN, to demonstrate its technical experience. Id. at 149. TNs were to be submitted in numerical order (i.e., TN 1, TN 2, TN 3). Id.

⁶ The agency's estimated value for all of the SBEAS contract awards is a maximum of \$13.4 billion. Combined Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 4.

⁷ CMMI is a process level improvement training and appraisal program that is administered by the CMMI Institute.

⁸ The RFP provided that each offeror must receive a confidence rating of "[s]atisfactory or higher" for each past performance subfactor in order to be eligible for award. Id. at 164.

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Up and Running timely submitted its proposal in response to the solicitation. On February 8, 2019, the agency notified Up and Running that its proposal was considered unacceptable and had been eliminated from further consideration because its proposal, having only received 3,050 points, did not receive the minimum required 4,200 points under the technical experience factor. AR, Tab 9, Up and Running Notice of Removal from Competition (Feb. 8, 2019) at 1. On February 19, following its debriefing, Up and Running filed this protest with our Office.

DISCUSSION

Up and Running challenges the agency's exclusion of its proposal from the competition, asserting that the agency failed to properly evaluate its proposal under the technical experience factor. Specifically, the protester argues that the agency unreasonably deducted points under 12 sub-elements under six separate elements.⁹ Because the solicitation provided that an offeror must score a minimum of 4,200 points to be rated technically acceptable, for the reasons discussed below, we need only address Up and Running's challenge to the agency's evaluation with regard to certain sub-elements of the life-cycle software services element.

Our Office will examine an agency's evaluation of an offeror's technical experience only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations. See Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's disagreement with a procuring agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. WingGate Travel, Inc., B-412921, July 1, 2016, 2016 CPD ¶ 179 at 4-5. In addition, it is an offeror's responsibility to submit an adequately written proposal with adequately detailed information which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. See International Med. Corps, B-403688, Dec. 6, 2010, 2010 CPD ¶ 292 at 8. An offeror's technical evaluation is dependent on the information furnished, and an

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⁹ As we have previously found, in responding to an agency report, protesters are required to provide a substantive response to the arguments advanced by the agency. enrGies, Inc., B-408609.9, May 21, 2014, 2014 CPD ¶ 158 at 4. Where an agency provides a detailed response to a protester's argument and the protester fails to rebut or respond to the agency's argument in its comments, the protester provides our Office with no basis to conclude that the agency's position with respect to the issue in question is unreasonable. IntegriGuard, LLC d/b/a HMS Federal--Protest and Recon., B-407691.3, B-407691.4, Sept. 30, 2013, 2013 CPD ¶ 241 at 5. Up and Running initially challenged 12 sub-elements, but has not provided a substantive or meaningful response to the agency's arguments on the merits regarding the evaluation of sub-elements 2b, 3d, 6a, and 8c. We therefore dismiss these protest grounds as abandoned. See 4 C.F.R. § 21.3(i)(3).

offeror that fails to submit an adequately written proposal runs the risk of having its proposal downgraded. LOGMET, B-400535, Oct. 30, 2008, 2008 CPD ¶ 199 at 3.

The life-cycle software services element was comprised of five sub-elements: developing/implementation; re-engineering; data or system migration; modernization; and COTS/GOTS/FOSS enterprise resource planning software systems. RFP at 165-166. As relevant here, Up and Running challenges the agency's evaluation of its proposal under the developing/implementation and data or system migration sub-elements of this element. Protest at 6-9; Comments at 5-8. In this regard, Up and Running contends that the agency's evaluation was inconsistent with the RFP because the agency ignored portions of Up and Running's proposal that established the required experience. Id. While we do not address each of Up and Running's arguments, we have considered them all and find that none provide a basis for sustaining the protest.

Developing/Implementation Sub-element

To receive the 500 points available under the developing/implementation sub-element (i.e., 1a), an offeror was required to demonstrate experience in the design, build, test, and implementation of an information system in each of the following four areas:

- The process of implementing software solutions to one or more sets of problems. [hereinafter "design"]
- The process by which source code is converted into a stand-alone form that can be run on a computer or to the form itself. One of the most important steps of a software build is the compilation process, where source code files are converted into executable code. [hereinafter "build"]
- Obtaining, verifying, or providing data for any of the following: the performance, operational capability, and suitability of systems, subsystems, components, or equipment items; or vulnerability and lethality of systems, subsystems, components, or equipment items. [hereinafter "test"]
- Planning; coordinating; scheduling; deploying/installing (or providing all needed technical assistance to deploy/install) and transitioning a technical solution (e.g., information system) into the operational environment. [hereinafter "implementation"]

RFP at 165-166,185; COS/MOL at 14-15.

The agency's evaluation concluded that while Up and Running's proposal contained sufficient design and test experience, the proposal did not demonstrate build or implementation experience as required by the solicitation. AR, Tab 8, Up and Running Technical Evaluation, at 3-5. Finding Up and Running to lack experience in at least one

specific area, the agency awarded it no points for the developing/implementation sub-element. Id. at 5. Up and Running challenges the agency's evaluation under this sub-element, arguing that the agency should have found that its proposal demonstrated experience in all four specific areas. Protest at 6-9.

With respect to the agency's determination that its proposal did not demonstrate experience in building an information system, the protester asserts that the agency improperly ignored portions of its proposal that provided all of the required information. Protest at 6-7; Comments at 5-7. Specifically, the protester argues that its proposal, in TN 1, validated its claimed experience building an information system.¹⁰ Protest at 6-8; Comments at 6-7. In TN 1, Up and Running described its experience as performing a complete modernization of the Combat Ammunition System (CAS) for the Air Force. AR, Tab 5, Up and Running Proposal, Vol. II, Technical Experience, at 13-18. In this regard, the protester contends that TN 1 describes an example of Up and Running's experience using development processes and tools to build an information system. Protest at 6-7; Comments at 5-7. In response, the agency contends that Up and Running's proposal lacked necessary detail regarding the process of compiling or converting the source code to demonstrate the claimed experience. COS/MOL at 17-18.

Based upon our review of the record, we find reasonable the agency's determination that the protester failed to demonstrate experience in building an information system. The agency's review of TN 1 found the description inadequate to demonstrate experience building an information system. AR, Tab 8, Up and Running Technical Evaluation, at 3. In response to the protest, the agency first points out that the evaluation criteria specifically stated that "[o]ne of the most important steps of a software build is the compilation process, where source code files are converted into executable code[.]" COS/MOL at 14 quoting RFP at 166. The agency also cites to its technical evaluation, wherein it explained that "[w]hile the proposal states that the offeror used 'Gradle (Build tool)' and 'JIRA's agile software development tools,' the proposal does not demonstrate the offeror's process by which source code is compiled or converted for CAS." AR, Tab 8, Up and Running Technical Evaluation, at 3. Notably absent from Up and Running's filings with our Office, is an explanation of how its proposal demonstrates the process of converting or compiling source code in the context of building an information system. As stated above, it was Up and Running's

¹⁰ While, in its protest, Up and Running cited to sections of TNs 1, 2, 3, and 4 that it believed the agency ignored, Up and Running's comments only discuss excerpts from TN 1 that the agency allegedly ignored. Compare Protest at 6-8 with Comments at 6-7. Where a protester merely references earlier arguments advanced in an initial protest without providing a substantive response to the agency's position, our Office will dismiss the referenced allegations as abandoned. enrGies, Inc., supra. Accordingly, we view Up and Running's arguments with respect to TNs 2, 3, and 4 to be abandoned, and therefore only address the agency's evaluation of TN 1.

responsibility to prepare a well-written proposal. International Med. Corps., *supra*; RFP at 165 (“The Government will deduct points claimed by the offeror for a technical experience element when a technical narrative does not demonstrate the required experience.”). Thus, despite the fact that Up and Running’s proposal identified examples of tools and processes that it used in TN 1, we find no basis to question the agency’s determination that the protester failed to include adequate detail concerning the process by which the tools were used to build an information system--specifically with regard to converting or compiling source code.¹¹

As stated above, in order to receive the 500 points available under the developing/implementation sub-element, offerors were required to demonstrate experience in all four areas of this sub-element. Because we find reasonable the agency’s determination that the protester failed to demonstrate experience in the process of building an information system, we need not address the protester’s arguments with regard to implementing an information system. Even if the protester were to prevail on its challenge to the agency’s evaluation regarding implementation of an information system, the protester could not receive the points available under this sub-element. This protest ground is denied.

Data or System Migration Sub-element

To receive the 200 points available under the data or system migration sub-element (*i.e.*, 1c), an offeror was required to demonstrate experience migrating an information system or its data during the life-cycle to include moving data or the information system from the previous operating environments to the new operating environments. RFP at 166,185. The RFP further warned that the “offeror must identify both the previous and new operating environments of the data or IS [information system] that was moved.” *Id.* at 166.

¹¹ In support of its argument that its proposal demonstrated the required experience in building an information system, Up and Running’s comments cite--for the first time--different portions of its proposal than were cited in the original protest. Compare Protest at 6-8 with Comments at 6-7. Up and Running received a detailed debriefing containing, in substantial part, the contents of the agency’s technical evaluation on February 12, 2019. AR, Tab 10, Up and Running Debriefing (Feb. 12, 2019), at 29-31. Thus, the information upon which the arguments made by the protester in its comments are based was known or should have been known prior to the filing of Up and Running’s initial protest. Our Bid Protest Regulations do not contemplate the piecemeal presentation or development of protest issues through later submissions citing examples or providing alternate or more specific legal arguments missing from earlier general allegations of impropriety. Sealift Inc., B-405705, Dec. 8, 2011, 2011 ¶ 271 at 2 n. 1. Because Up and Running waited until its April 1 comments to raise these new examples of information allegedly not considered by the agency, they are untimely and will not be considered. 4 C.F.R. § 21.2(a)(2).

As relevant to this protest, the agency found that Up and Running's proposal did not demonstrate data or system migration experience. AR, Tab 8, Up and Running Technical Evaluation, at 7-8. The protester claims that the agency overlooked or ignored information set forth in TN 1 of its proposal that demonstrated its experience with respect to the solicitation's requirements.¹² Protest at 8-9; Comments at 7. Specifically, Up and Running claims that its experience migrating data from an original operating environment to a new operating environment was apparent or implied from its description of TN 1. Protest at 9; Comments at 7. In this regard, the protester argues that "[t]here is simply no other way to read [Up and Running's] proposal other than to realize they claimed to have taken an original operating environment and then, after developing proper interfaces, migrated the database to a new environment." Protest at 9.

Based on our review of the record, we agree that the agency reasonably evaluated Up and Running's proposal under this sub-element. The record demonstrates that the agency reasonably determined that the protester failed to identify both the previous and new operating environments of the data or information system that was moved, as required by the solicitation. RFP at 166. In this regard, the agency's evaluation of TN 1 explained that "[w]hile the proposal states that 'the database was migrated to a modern RDBMS [Relational Database Management System] Oracle database,' thereby providing the new operating environment, the proposal does not demonstrate the offeror having performed the migration and does not identify the previous operating environment of the CAS database." AR, Tab 8, Up and Running Technical Evaluation, at 7. In addition, the agency noted that the statement in Up and Running's proposal that "the database was migrated to a modern RDBMS Oracle database (from 11gR1 Oracle to 11gR2)" merely described a COTS upgrade, not migration of an information system or its data. Id. Although Up and Running generally contests the agency's evaluation, we find its arguments amount to disagreement with agency's evaluation which, by itself, is not sufficient to establish that the evaluation was unreasonable. Therefore, we deny this protest ground.¹³

¹² In its protest, Up and Running cited to sections of both TN 1 and TN 3 in support of its argument that the agency ignored relevant portions of its proposal. However, Up and Running's comments only discuss a single excerpt from TN 1 that the agency allegedly ignored. Compare Protest at 8-9 with Comments at 7. As a result, we view Up and Running's arguments with respect to TN 3 to be abandoned. enrGies, Inc., supra. Also, in Up and Running's initial protest, it argued that the RFP did not require offerors to identify the previous operating environment from which data was migrated. Protest at 9. However, after receipt of the agency report, the protester did not mention this argument in its comments. Consequently, we also view this contention to be abandoned.

¹³ In its comments, Up and Running for the first time cites to a specific excerpt from TN 1, which it contends demonstrates experience migrating an information system. Compare Protest at 8-9 with Comments at 7. Since this alleged example of information
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The protester also contends that the agency erred in its technical evaluation under three sub-elements (*i.e.*, 1a, 1c, and 1d) of the life cycle software services element by not finding that Up and Running's proposal demonstrated the required experience "in the aggregate." Protest at 5; Comments at 3. In this regard, the protester asserts that it was permitted to use multiple TNs to demonstrate the experience for each sub-element required by the solicitation, and that the agency violated the solicitation by not evaluating its TNs collectively for each sub-element. Comments at 5.

Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Cybermedia Techs., Inc., B-405511.3, Sept. 22, 2011, 2011 CPD ¶ 180 at 2. To achieve this end, 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, Up and Running's protest does not include sufficient information to establish the likelihood that the agency violated applicable procurement laws or regulations as required by our Bid Protest Regulations. Up and Running's protest neither identifies which portions of its various TNs--when considered in the aggregate--would have demonstrated the experience required by the solicitation, nor explains specifically what the agency failed to consider in the aggregate regarding its proposal. As a result, this aspect of Up and Running's challenge to the agency's evaluation under the life cycle software services element is dismissed.¹⁴ 4 C.F.R. § 21.5(f); *see FEI Systems*, B-414852.2, Nov. 17, 2017, 2017 CPD ¶ 349 at 8 (dismissing broadly stated protest allegations that fail to establish the likelihood that the agency violated any applicable procurement laws or regulations).

Given our conclusions above, we need not address the protester's other challenges to the agency's evaluation because even if Up and Running were to prevail with regard to its remaining challenges, its proposal would remain technically unacceptable. As stated

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unreasonably ignored by the agency could have been raised in Up and Running's initial protest, but was not raised until its comments, it is dismissed as untimely. 4 C.F.R. § 21.2(a)(2); *See University Research. Co., LLC*, B-294358.8 *et al.*, Apr. 6, 2006, 2006 CPD ¶ 66 at 16. In any event, even if we were to consider this argument, based upon our review of the record, we find no basis to question the agency's evaluation.

¹⁴ As we dismiss this protest ground for failure to state a valid basis of protest, we need not and do not consider the merits of the protester's allegation.

above, a proposal had to receive a score of at least 4,200 points to receive a technical score of acceptable, and Up and Running's technical proposal received a score of 3,050 points. Thus, even if our Office agreed with Up and Running regarding its other alleged evaluation errors, this would only afford Up and Running an additional 850 points, for a total technical score of 3,900, which is 300 points below the score necessary for a technically acceptable score.¹⁵

The protest is denied.

Thomas H. Armstrong
General Counsel

¹⁵ In its protest, Up and Running challenged the agency's evaluation under the following 12 sub-elements: 1a, 1c, 1d, 1e, 2b, 3b, 3d, 6a, 6d, 7b, 8a, and 8c. As discussed above, the protester's allegations with respect to 1a and 1c are denied. Also, Up and Running's protest grounds regarding the evaluation of sub-elements 2b, 3d, 6a, and 8c were abandoned. Additionally, Up and Running's protest ground regarding evaluating in the aggregate involving sub-elements 1a, 1c, and 1d was dismissed. Consequently, even if meritorious, the remaining protest grounds would only result in 850 points, according to the following breakdown: 1e=200 points, 3b=150 points, 6d=200 points, 7b=200 points, and 8a=100 points. RFP at 185-188.