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Decision

Matter of: InterImage, Inc.

File: B-415716.29

Date: August 9, 2019

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DIGEST

1. 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.
 2. Protest arguments first raised in comments on the agency report are dismissed as untimely where these new arguments are based upon information provided in written debriefing and could have been raised in initial protest.
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DECISION

InterImage, Inc. (InterImage), a small business of Arlington, Virginia, 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. InterImage argues that the agency unreasonably evaluated its proposal under the technical experience factor.

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, 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

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

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.

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 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

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.

accompanying past performance narratives and evaluate each offeror's past performance references for recency, relevancy, and quality. Id. at 172.

InterImage timely submitted its proposal in response to the solicitation. On April 22, 2019, the agency notified InterImage that its proposal was considered unacceptable and had been eliminated from further consideration because its proposal, having only received 3,500 points, did not receive the minimum required 4,200 points under the technical experience factor. AR, Tab 9, InterImage Notice of Removal from Competition, at 1. On May 2, following its debriefing, InterImage filed this protest with our Office.

DISCUSSION

InterImage 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 four of the sub-elements of the life-cycle software services element, and two sub-elements of the information technology business analysis element.⁸

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 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.

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 InterImage's challenges to the agency's evaluation under the

⁸ InterImage initially challenged the agency's evaluation under the data or system migration sub-element (i.e., 1c) of the life-cycle software services element. Protest at 11-13. However, in its comments, the protester expressly abandoned this protest ground. Comments at 26. We therefore dismiss this protest ground. See 4 C.F.R. § 21.3(i)(3).

developing/implementation and modernization sub-elements of the life-cycle software services element.

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, InterImage challenges the agency's evaluation of its proposal under both the developing/implementation, and modernization sub-elements of this element. Protest at 7-9, 13-15; Comments at 10-22, 26-29. In this regard, InterImage contends that the agency's evaluation was unreasonable because the agency ignored portions of InterImage's proposal that established the required experience under these two sub-elements. Id.

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 InterImage's proposal contained sufficient design, build and test experience, the proposal did not demonstrate implementation experience as required by the solicitation. AR, Tab 8, InterImage Technical Evaluation, at 3-4. Finding InterImage to lack experience in one of the required areas, the agency awarded it no points for the developing/implementation sub-element. Id. at 4.

InterImage challenges the agency's evaluation under this sub-element, arguing that the agency should have found that its proposal demonstrated implementation experience. Protest at 7-9. In this regard, InterImage asserts that the agency improperly ignored portions of its proposal that provided the required information. Id. Specifically, the protester argues that its proposal, in TN 2, validated its claimed experience with respect to implementation of an information system.⁹ Id. In its protest, InterImage contends that the agency's finding that it lacked implementation experience "is wholly inexplicable and inconsistent with any reasonable reading of the proposal." Protest at 9. In support of its argument, the protester provides a lengthy excerpt from TN 2 and states:

The ALERTS technical solution is the only solution discussed in InterImage's detailed narrative [TN 2]. This narrative explains how InterImage coordinated with the ALERTS customer "to schedule deployments to test, production, and training environments; assisted the government in setting up and configuring the web and database servers, and provided detailed technical documentation for all operational environments and software releases."

Id. quoting AR, Tab 5, InterImage Proposal, Vol. II, Technical Experience, at 8.

In response, the agency contends that InterImage's discussion of its experience in TN 2 lacked sufficient details to demonstrate the claimed experience implementing an information system, and further maintains that InterImage's protest amounts to mere disagreement with the agency's evaluation. COS/MOL at 11-18.

In TN 2, InterImage described its experience as covering the full software development lifecycle from design through implementation of the Army Law Enforcement Reporting & Tracking System (ALERTS) software application for the U.S. Army Criminal Investigative Command. AR, Tab 5, InterImage Proposal, Vol. II, Technical Experience, at 8.¹⁰ The agency reviewed TN 2 of InterImage's proposal and found that while InterImage's proposal provided a general overview of the support provided and restated certain words from the RFP's definition of implementation, the proposal lacked specific details to demonstrate the claimed experience implementing an information system, as

⁹ InterImage's proposal list four contracts as TNs. However, InterImage did not use the same numbering system throughout the technical experience volume of its proposal. Instead, InterImage's proposal numbered its TNs sequentially for each sub-element. As a result, references to TNs were not consistent between sub-elements. For purposes of its evaluation, the agency assigned a number to each of InterImage's TNs. AR, Tab 8, InterImage Technical Evaluation, at 2. In this decision, we use the TN numbers assigned by the agency.

¹⁰ In its protest, InterImage cited to page 1 of the technical experience volume. However, for ease of reference, we are citing to InterImage's proposal, using the pagination provided by the agency in its report.

required by the solicitation. AR, Tab 8, InterImage Technical Evaluation, at 4. Citing the very sentence from TN 2 that InterImage quoted in its protest, the agency's technical evaluation explained that InterImage's proposal did not demonstrate experience in "performing planning, coordinating, scheduling, deploying/installing and transition[ing] of the ALERTS technical solution into the operational environment, as is required in order to demonstrate the required experience 'implementing.'" Id. quoting AR, Tab 5, InterImage Proposal, Vol. II, Technical Experience, at 8.

Based upon our review of the record and the general nature of InterImage's challenge, we find no basis to question the agency's determination that the protester failed to demonstrate the experience required under this sub-element. Offerors are responsible for submitting well-written proposals with adequately-detailed information that allows for a meaningful review by the procuring agency. Microwave Monolithics, Inc., B-413088, Aug. 11, 2016, 2016 CPD ¶ 220 at 6. As noted above, the solicitation clearly instructed offerors that proposals "shall be clear, specific, and shall include sufficient detail for effective evaluation and for substantiating the validity of stated claims." RFP at 142; see also 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."). Therefore, although InterImage's proposal uses some of the same terms from the solicitation's description of the required implementation experience, the protester fails to establish that the agency improperly determined that its proposal lacked specific details to demonstrate the required experience.

In this regard, the protest, as initially filed with our Office, does not specifically argue or cite specific portions of its proposal that demonstrate its experience with these required activities. Rather, InterImage's protest quotes a large section of its proposal that it asserts demonstrates the required experience without any specific explanation of how this quoted language demonstrates this experience. We therefore find that InterImage's general challenge amounts to disagreement with agency's evaluation which, by itself, is not sufficient to establish that the evaluation was unreasonable. Consequently, we deny this protest ground.¹¹

In its comments, InterImage argues--for the first time--that specific sections of its proposal demonstrate experience in planning, coordinating, scheduling, deploying/installing, and transitioning of an information system into an operational environment. Comments 10-22. Whereas InterImage's protest merely quotes a section

¹¹ In support of its argument that its proposal demonstrated the required experience implementing an information system, InterImage's comments cite, for the first time, a new TN (i.e., TN 3) that was not cited in the original protest. Compare Protest at 6-9 with Comments at 12-13. Since this alleged example of information unreasonably ignored by the agency could have been raised in InterImage's initial protest, but was not raised until its comments, it is dismissed as untimely. 4 C.F.R. § 21.2(a)(2); See Main Sail, LLC, B-412138, B-412138.2, Jan. 29, 2016, 2016 CPD ¶ 26 at 6 n.5.

of TN 2 that it generally asserts demonstrates the required implementation experience, InterImage's comments are replete with specific citations to and explanations of proposal excerpts, some from the larger section it previously quoted, which it contends demonstrated experience in each of the activities listed above. Compare Protest at 7-9 with Comments at 10-22. Indeed, InterImage's comments include a recitation of its initial general protest allegation with respect to this sub-element, and then provide many pages discussing its claimed experience implementing an information system. Comments at 10-22. Also, for the first time in its comments, InterImage presents dictionary definitions for the terms planning, coordinating, scheduling, deploying, installing, and transitioning in support of its challenge to the agency's evaluation. Id. at 14-20.

Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2), require that protests other than those challenging the terms of a solicitation be filed within 10 days of when a protester knew or should have known of its basis for protest. Further, 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. See J5 Systems, Inc., B-406800, Aug. 31, 2012, 2012 CPD ¶ 252 at 5. We have specifically rejected a protester's contention that so long as it files a timely protest containing a broad basis of protest in its initial filing, it may supply the specific facts and arguments in support of that basis of protest at any time during the protest process. Metasoft, LLC--Recon., Feb. 17, 2011, B-402800.2, 2011 CPD ¶ 47 at 2-3.

Here, InterImage received a detailed debriefing containing, in substantial part, the contents of the agency's technical evaluation on April 26, 2019. AR, Tab 10, InterImage Debriefing, at 30-32. The debriefing informed InterImage that the agency found that its proposal lacked specific details to demonstrate the claimed experience implementing an information system. Id. at 31. Additionally, the debriefing put InterImage on notice of the agency's specific finding that its proposal did not demonstrate experience "performing planning, coordinating, scheduling, deploying/installing and transition of the ALERTS technical solution into the operational environment, as is required in order to demonstrate the required experience 'implementing.'" Id. Thus, the information upon which the new arguments made by the protester in its comments are based was known or should have been known prior to the filing of InterImage's initial protest. Because InterImage waited until its June 13 comments to raise these new arguments, which could have been raised in its initial protest, they are untimely and will not be considered. 4 C.F.R. § 21.2(a)(2).

Modernization Sub-element

To receive 300 points under the modernization sub-element (i.e., 1d), an offeror was required to demonstrate experience modernizing a legacy information system during its life-cycle to include the conversion and code rewriting of a legacy system, software libraries and protocols to a modern programming language and porting the new information system to a new hardware platform. RFP at 166, 185. Further, the RFP

advised that the agency would not accept points claimed “if the experience does not identify the modernization of the [information system] and the hardware.” Id. at 166. The agency’s evaluation concluded that InterImage’s proposal did not demonstrate experience with the modernization of a legacy information system. AR, Tab 8, InterImage Technical Evaluation, at 6. As relevant here, the agency found that InterImage’s proposal failed to meet the minimum requirement to demonstrate experience porting¹² the information system to a new hardware platform. Id. at 7.

We have reviewed the protester’s filings, and while InterImage argues that its proposal demonstrated experience converting and writing code to replace a legacy information system--i.e., experience which the agency also found that it failed to demonstrate--the protester notably does not challenge the agency’s determination that the protester failed to demonstrate experience porting an information system to a new hardware platform. See Protest at 14-15; Comments at 26-29. As stated above, the RFP required offerors to demonstrate experience “porting the new [information system] to a new hardware platform.” RFP at 166. Therefore, because the protester has not challenged the agency’s determination that it failed to meet this requirement, it has not provided our Office a basis to question the agency’s finding that InterImage failed to demonstrate the required experience under this sub-element. As a result, this protest ground is denied.

Given our conclusions above, we need not address the protester’s other challenges to the agency’s evaluation because even if InterImage were to prevail with regard to its remaining challenges, its proposal would remain technically unacceptable. As stated above, in order to receive an acceptable rating under the technical experience factor, a proposal had to receive a score of at least 4,200 points; InterImage’s technical proposal received a score of 3,500 points. Thus, even if our Office agreed with InterImage regarding its other alleged evaluation errors, this would only afford InterImage an additional 550 points, for a total technical score of 4,050, which is 150 points below the score necessary for a technically acceptable score.¹³

The protest is denied.

Thomas H. Armstrong
General Counsel

¹² The agency states that in the context of digital technology, “[p]ort” means “to create a new version of (an application program) to run on a different hardware platform.” COS/MOL at 32.

¹³ In its protest, InterImage challenged the agency’s evaluation under the following six sub-elements: 1a, 1b, 1c, 1d, 3b, 3d. As discussed above, the protester’s allegations with respect to 1a and 1d are denied or dismissed. Also, InterImage’s protest regarding the evaluation of sub-element 1c was abandoned. Thus, even if meritorious, the remaining protest grounds would only result in 550 points, according to the following breakdown: 1b=200 points, 3b=150 points, and 3d=200 points. RFP at 185-188.