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Decision

Matter of: DirectViz Solutions, LLC

File: B-418706; B-418706.2

Date: August 7, 2020

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DIGEST

Protests alleging that the agency misevaluated proposals and made an unreasonable source selection decision are denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

DirectViz Solutions, LLC (DirectViz), a small business of Chantilly, Virginia, protests the issuance of a task order to Exeter Information Technology Services, LLC (Exeter), a small business of Gaithersburg, Maryland, under solicitation No. 307595, issued by the Department of the Army for enterprise information technology (IT) support services. The protester challenges various aspects of the Army's evaluation of proposals under the technical/management factor and maintains that the best-value decision was unreasonable.

We deny the protest.

BACKGROUND

On December 20, 2019, the agency issued the solicitation to all small businesses holding contracts under the Army's Computer Hardware, Enterprise Software Solutions (CHESS) IT Enterprise Solutions (ITES-3S) multiple-award indefinite-delivery, indefinite-quantity (IDIQ) contract, pursuant to the procedures of Federal Acquisition

Regulation (FAR) subpart 16.5. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 2. The solicitation contemplated the award of a single task order with fixed-price and time-and-materials contract line items for a 12-month base period, four 12-month option periods, and an optional 6-month extension under FAR clause 52.217-8. Agency Report (AR), Tab 3, Solicitation at 002.¹

The solicitation provided for award on a best-value tradeoff basis, considering two evaluation factors: technical/management and price. *Id.* at 014. For the purpose of performing the best-value tradeoff, the technical/management factor was significantly more important than price. *Id.*

The technical/management factor would be evaluated for the offeror's demonstrated technical and management capability, understanding of the performance work statement (PWS) requirements, and the likelihood of success. *Id.* at 016. Each proposal would be assessed an adjectival rating of outstanding, good, acceptable, marginal or unacceptable under the technical/management factor. The solicitation specified that "[m]ere statements of compliance or repetition of the technical and/or management requirements, without a complete discussion and analysis, will not be rated as acceptable or higher." *Id.* The technical/management factor would be evaluated in each of the following areas: staffing and retention plan, procurement automated data and document system (PADDS)² sustainment support, risk management framework (RMF) process, cyber support, and surge approach. *Id.*

With regard to staffing and retention plans, the agency would evaluate how the offeror will acquire, train, and maintain staffing levels required within the PWS. *Id.* The agency also would evaluate each offeror's methodology and process for reducing mission risk during performance. *Id.* As particularly relevant here, the agency was to evaluate the offeror's "methodologies to staffing and retaining employees that have the appropriate skill set (including certifications and training) and how it will ensure that service interruptions are held to a minimum." *Id.*

With regard to PADDS sustainment support, the agency would evaluate the offeror's approach for its "innovation and how it decreases risk while increasing the likelihood of successful contract performance." *Id.* at 017. The solicitation specified that the offeror's proposed configuration management processes for software applications would be

¹ The solicitation consists of four separately paginated sections. The agency used a Bates numbering system to provide a single set of page numbers across the four differently paginated sections. Citations to the solicitation in this decision refer to the Bates numbers assigned by the agency.

² PADDS is an automated contract writing tool that interfaces with other US government procurement and financial systems to provide a standardized method for the preparation, recording, processing, and maintaining of contractual instruments. AR, Tab 4, PWS at 45.

evaluated for the ability to implement, manage, and maintain configuration in a manner that is realistic and lowers the overall risk during performance. *Id.*

With respect to RMF process, the agency would evaluate the offeror's methodology to "identify, implement, manage, and maintain" risk management processes for how the offeror would insert technology processes to reduce risk of obsolescent enterprise equipment, software, and services. The solicitation stated that the agency would evaluate how each offeror's proposal illustrates the ability to process "access & authorize" (A&A) accreditation packages and specified that the "ability to concurrently manage multiple accreditation packages may be viewed more favorably." *Id.*

On or before the closing date of January 13, 2020, the Army received proposals from eight offerors, including DirectViz and Exeter. COS/MOL at 3. Thereafter, the agency evaluated DirectViz's and Exeter's proposals as "good" under the technical/management factor. *Id.* at 8; AR, Tab 13, Source Selection Decision Document (SSDD) at 5. The agency evaluated DirectViz's price as \$43,766,579 and Exeter's price as \$54,540,607. COS/MOL at 8; AR, Tab 13, SSDD at 9.

Based on an independent assessment, the source selection authority (SSA) agreed with the evaluation team ratings and concluded DirectViz's and Exeter's proposals were the most highly rated. AR, Tab 13, SSDD at 7-8, 10. When comparing DirectViz's and Exeter's proposals, the SSA concluded that Exeter's staffing and retention plan, PADDs sustainment support, and RMF process were superior to DirectViz's. AR, Tab 13, SSDD at 11-12, 14.

The SSA noted five key elements that supported Exeter's evaluated technical superiority. *Id.* at 14. First, Exeter received a rating of superior from the Defense Security Service (DSS), which the agency concluded demonstrates an ability to complete employee clearance reviews in an accurate and timely manner. *Id.* Second, Exeter proposed to utilize [DELETED] in addition to its program manager, which the agency found would reduce the risk of service interruption. *Id.* Third, Exeter proposed to use a configuration management plan, software testing process, disaster recovery plan testing, and system service alerts to proactively manage the IT enterprise; all of which the agency concluded would increase PADDs system availability. *Id.* Fourth, the agency found Exeter's experience concurrently conducting [DELETED] A&A packages (compared to DirectViz's experience concurrently conducting [DELETED] A&A packages) provided a clear indication of well-documented processes, procedures, and a comprehensive understanding of the overall RMF process. The agency found that this experience significantly reduced the risk of unsuccessful performance. *Id.* Fifth, the agency concluded that Exeter's ability to quickly perform security technical implementation guide checks signified that it would implement an effective methodology for identifying, implementing, managing, and maintaining RMF processes. *Id.*

The SSA also specified that “the only element in which [DirectViz’s] response provided an advantage compared to [Exeter’s], was the total evaluated price.”³ *Id.* at 14. Based on the above, the SSA concluded that Exeter’s proposal offered the best value to the government because its “high level of service” was worth the price premium (\$54.6 million versus \$43.8 million) compared to DirectViz’s proposal. *Id.*

The agency notified DirectViz of the award to Exeter. COS/MOL at 11. The agency then provided DirectViz with a debriefing, and this protest followed.⁴ *See Id.* at 11, 24.

DISCUSSION

DirectViz challenges various aspects of the agency’s evaluation of proposals under the technical/management factor and maintains that the best-value decision was unreasonable. For the reasons that follow, we conclude that the protester’s arguments provide no basis to sustain the protest.⁵

Staffing and Retention Plan

DirectViz argues that the agency’s evaluation of the staffing and retention plans was unreasonable. Comments & Supp. Protest at 3-7; Supp. Comments at 3-7. First, DirectViz contends that the plans were evaluated unequally because Exeter’s staffing plan was credited with an advantage for proposing [DELETED], while DirectViz’s plan offered similar (or superior) benefits but was not afforded similar credit. Comments & Supp. Protest at 7; Supp. Comments at 6-7.

It is a fundamental principle of federal procurement law that a contracting agency must treat all offerors equally and evaluate their proposals evenhandedly against the solicitation’s requirements and evaluation criteria. *Abacus Tech. Corp.; SMS Data Prods. Grp., Inc., B-413421 et al.*, Oct. 28, 2016, 2016 CPD ¶ 317 at 11. 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. *Nexant Inc., B-417421, B-417421.2*, June 26, 2019, 2019 CPD ¶ 242 at 10. DirectViz has not made this showing here.

DirectViz argues that the agency’s evaluation of the staffing and retention plans unreasonably viewed Exeter’s proposal to use [DELETED] in addition to its program

³ The SSA determined that neither proposal offered an advantage in the cyber support, or surge areas of the technical/management factor. *Id.* at 14.

⁴ The task order at issue is valued in excess of \$25 million, and was placed under an IDIQ contract established by the Army. Accordingly, our Office has jurisdiction to consider DirectViz’s protest. 10 U.S.C. § 2304c(e)(1)(B).

⁵ The protester makes other collateral arguments. While we do not address each of the protester’s allegations and variations thereof, we have reviewed them all and find the agency’s evaluation reasonable and consistent with the solicitation’s evaluation criteria.

manager as a positive discriminator between the offerors. Supp. Comments at 6. DirectViz contends that its teaming agreement with the incumbent contractor will allow it to provide the same benefits as Exeter's [DELETED], namely, to effectively recruit incumbent personnel, but without requiring [DELETED]. *Id.* However, the record demonstrates that DirectViz and Exeter's proposals were not similar.

Exeter, unlike DirectViz, proposed the use of a dedicated [DELETED] in addition to its program manager. AR, Tab 7, Exeter Technical Proposal at 4-5. The agency evaluated this aspect of Exeter's proposal as an "innovative plan" which would reduce the risk of service interruption by allowing the program manager to focus on operations. AR, Tab 9, Exeter Technical Evaluation at 3. While DirectViz addressed the transition process in its proposal by noting that it had "already started transition activities" through its teaming arrangement with the incumbent, which it claimed would allow it to begin performance with no disruption to services, it did not propose the use of a dedicated [DELETED]. AR, Tab 6, DirectViz Technical Proposal at 5. We find unobjectionable the agency's conclusion that Exeter's proposed dedicated [DELETED] would provide benefits beyond the incumbent staff recruiting in DirectViz's proposal.

DirectViz also argues that the agency unreasonably assessed an advantage to Exeter's proposal because of a rating of superior assigned to Exeter in its most recent security vulnerability assessment by DSS. Comments & Supp. Protest at 5-7; Supp. Comments at 4-6. DirectViz contends that DSS ratings have no bearing on a company's ability to process security clearance applications, and therefore do not provide the meaningful benefit the agency claims. Supp. Comments at 5-6.

The agency responds that the solicitation required offerors to demonstrate how they would have the resources necessary to acquire, train, and maintain the levels of staffing required by the PWS. Supp. COS/MOL at 6; Solicitation at 16-17. The agency further notes that a DSS rating of superior in a vulnerability assessment is significant, and is achieved by only three percent of cleared contractor companies. Supp. COS/MOL at 5. The evaluators interpreted this achievement as indicating that Exeter has "a low risk of unsuccessful performance by increasing the probability that employee clearances will be processed in an accurate and expeditious manner with few errors; therefore, minimizing service interruption." AR, Tab 9, Exeter Technical Evaluation at 3. The SSA agreed with the evaluator's conclusions and noted the DSS vulnerability rating given to Exeter as a discriminator over DirectViz's proposal. AR, Tab 13, SSDD at 14.

In reviewing protests of an agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgement for that of the agency, as the evaluation of proposals is a matter within the agency's discretion. Rather, we will review the record to determine if the evaluation was reasonable, consistent with the stated evaluation criteria, and with applicable procurement statutes and regulations. *Computer World Servs. Corp.*, B-410513, B-410513.2, Dec. 31, 2014, 2015 CPD ¶ 21 at 6. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Vertex Aerospace, LLC*, B-417065, B-417065.2, Feb. 5, 2019, 2019 CPD ¶ 75 at 8.

On this record, we find no basis to question the agency's evaluation of DSS's vulnerability assessment rating of Exeter as a discriminator.⁶ As noted above, the record established that the agency identified specific benefits flowing to the government from an offeror being rated "superior" by DSS, and the agency identified the area of evaluation under which the assessment of this benefit was appropriate. While DirectViz may disagree with the agency's judgments, it has failed to establish that those judgments were unreasonable. Accordingly, this protest ground is denied.

PADDS Sustainment Support

DirectViz also contends that the agency unreasonably evaluated the offerors' PADDs sustainment support plans. Comments & Supp. Protest at 8-16; Supp. Comments at 7-10. DirectViz argues Exeter's PADDs sustainment support plans were assigned "arbitrary discriminators" that were not unique to Exeter's proposal. Comments & Supp. Protest at 11-16. Specifically, the protester alleges that the agency disparately evaluated the proposed configuration management plans, software testing capabilities, disaster recovery plan testing, and service alert capabilities. *Id.*

As noted above, 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 proposals. *Nexant Inc., supra*, at 10. Based on our review of the record, DirectViz has not made that showing here.

For example, DirectViz contends that the agency's evaluation of the configuration management plans proposed is unequal. Comments & Supp. Protest at 11-12; Supp. Comments at 9. The agency found that DirectViz's proposal provided a "detailed approach" to configuration management through its use of comprehensive test plans that include both manual and automated testing procedures. AR, Tab 8, DirectViz Technical Evaluation at 3. The agency found that Exeter proposed a "robust" configuration management plan including configuration [DELETED], [DELETED], defined software [DELETED], and [DELETED] processes. AR, Tab 9, Exeter Technical Evaluation at 3-4. The SSA subsequently cited Exeter's configuration management plan as a discriminator when compared to DirectViz's plan. AR, Tab 13, SSD at 14. The record demonstrates that the differences in the evaluations stem from differences in the details found in the proposals.

The protester argues that the agency treated the offerors disparately because DirectViz's configuration management plan included significant discussion of the exact configuration management features cited by the agency in its evaluation of Exeter's plan. Supp. Comments at 9. We disagree. The agency's overall conclusion that Exeter's plan is more robust and detailed is supported by the record, especially where Exeter's proposal contained more detail about its proposed configuration management process and, unlike DirectViz's proposal, specified a set of configuration management

⁶ DirectViz does not allege that it has been similarly rated superior by DSS.

[DELETED] for PADDs. Compare AR, Tab 6, DirectViz Technical Proposal at 22-23, with AR, Tab 7, Exeter Technical Proposal at 17-19. Further, the record shows that only one of the four configuration management features cited by the agency, the processing of [DELETED], is discussed in the configuration management section of DirectViz's proposal.⁷ See AR, Tab 6, DirectViz Technical Proposal at 22-23. On this record, we see no basis to disturb the agency's conclusion that Exeter's configuration management plan demonstrated extensive knowledge and experience in configuration management and was more advantageous to the government than DirectViz's plan.

By way of another example, DirectViz argues that the agency's evaluation of disaster recovery plan testing was unequal because both parties proposed disaster recovery plan testing on an annual basis but only Exeter was assessed a positive discriminator. Comments & Supp. Protest at 15; Supp. Comments at 9. However, the record demonstrates that the differences in the evaluations stemmed from differences between the proposals. Exeter proposed to conduct the disaster recovery plan testing [DELETED] for such an exercise. AR, Tab 7, Exeter Technical Proposal at 20. Exeter proposed that this would prevent additional downtime requests and user impact. *Id.*

The agency evaluated this aspect of Exeter's proposal as "an innovative approach that permits realistic testing while minimizing negative impacts to operations." AR, Tab 9, Exeter Technical Evaluation at 4. While DirectViz proposed to support testing the disaster recovery plan each year, it did not propose to conduct the annual disaster recovery plan test [DELETED]. See AR, Tab 6, DirectViz Technical Proposal at 16. Accordingly, we find the agency's conclusion that Exeter's proposed scheduling of the annual disaster recovery test [DELETED] would provide benefits beyond the annual test proposed by DirectViz to be reasonable. In short, we find no basis to sustain a protest based on disparate treatment of the offerors with regard to agency's evaluation of the PADDs sustainment support area of the technical/management factor.

RMF Process

DirectViz also argues that the agency unreasonably evaluated Exeter's RMF process as advantageous. Specifically, the protester contends that the agency unreasonably found that Exeter's demonstrated ability to concurrently conduct [DELETED] A&A accreditation packages "provided a clear indication of well documented processes, procedures," and an understanding of the overall RMF process while not ascribing similar understanding to DirectViz. AR, Tab 13, SSDD at 14. The protester contends

⁷ DirectViz points out that its proposal also discusses a configuration [DELETED], but our review of the record shows that the proposal does so in a separate section of the proposal and makes reference to its functions without meaningfully describing them. AR, Tab 6, DirectViz Technical Proposal at 25. Even assuming DirectViz had discussed in detail all four relevant configuration management features throughout its proposal, an agency is not required to search other sections of an offeror's proposal for information to meet requirements related to a different section. See *Dewberry Crawford Group; Partner 4 Recovery*, B-415940.10 *et.al.*, July 2, 2018, 2018 CPD ¶ 297 at 13.

that Exeter's ability in this regard does not provide any material benefit to the agency compared to DirectViz's ability to conduct [DELETED] concurrent A&A accreditation packages when the PWS indicates that the incumbent is currently managing only three such packages. Comments & Supp. Protest at 16-17; AR, Tab 13, SSDD at 14.

The agency responds that it was reasonable to assume that an entity with more experience managing multiple packages would have gained additional knowledge and developed processes from which the agency could benefit. Supp. COS/MOL at 12. Here, we agree with the agency. The solicitation provided that the agency would evaluate each offeror's RMF process to determine how it minimizes risk to the government. Solicitation at 017. The solicitation also provided that, when evaluating the RFP process, an offeror's ability to concurrently manage multiple such accreditation packages may be viewed more favorably. *Id.* Accordingly, we find it reasonable that the agency viewed Exeter's greater demonstrated capability more favorably than DirectViz's. While DirectViz may disagree with the agency's judgments, it has failed to establish that those judgments were unreasonable or not in accordance with the solicitation. See *Vertex Aerospace, LLC, supra* at 8. This protest ground is denied.

Best-Value Tradeoff Decision

Finally, the protester alleges that the agency's source selection was based on an improper best-value tradeoff because, in DirectViz's view, the agency miscalculated the proposals and disregarded DirectViz's price advantage. Comments & Supp. Protest at 19-20; Supp. Comments at 13. DirectViz argues that none of the evaluated advantages of Exeter's proposal warrant a \$10,774,028 premium. Supp. Comments at 13.

Again, in reviewing protests of awards in a task order competition, 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. *ACCESS Sys., Inc.*, B-400623.3, Mar. 4, 2009, 2009 CPD ¶ 56 at 7. Where, as here, the solicitation provides for a best-value tradeoff, the source selection official retains discretion to select a higher-priced, but technically higher-rated submission, if doing so is in the government's best interest and is consistent with the solicitation's stated evaluation and source selection scheme. *All Point Logistics, Inc.*, B-407273.53, June 10, 2014, 2014 CPD ¶ 174 at 13-14. The SSA has broad discretion in determining the manner and extent to which he or she will make use of technical, past performance, and cost/price evaluation results, and this judgment is governed only by the tests of rationality and consistency with the stated evaluation criteria. *Id.* A protester's disagreement with the agency's determinations as to the relative merits of competing proposals, or disagreement with its judgment as to which proposal offers the best value to the agency, without more, does not establish that the source selection decision was unreasonable. *General Dynamics-Ordnance & Tactical Sys.*, B-401658, B-401658.2, Oct. 26, 2009, 2009 CPD ¶ 217 at 8.

In sum, based on our conclusions above that the agency's technical evaluation was reasonable, we have no basis to sustain DirectViz's protest that the best-value tradeoff was tainted by the alleged evaluation errors. Here, the solicitation provided that the technical/management evaluation factor was significantly more important than price. Solicitation at 014. The agency's source selection decision demonstrates that the SSA reviewed the underlying evaluation results, considered the qualitative value of the offerors proposals, and reasonably found Exeter to provide the overall lowest risk of unsuccessful performance to the government. AR, Tab 13, SSDD at 10-14. Further, the SSA noted which key elements of Exeter's proposal provided advantages over DirectViz's proposal, and properly determined that the advantages offered by Exeter warranted the associated price premium. *Id.* at 014. On this record, we conclude that DirectViz's objections reflect disagreement with the agency's evaluation conclusions, but do not show that the SSA's conclusions were unreasonable.

The protest is denied.

Thomas H. Armstrong
General Counsel