



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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Washington, DC 20548

Comptroller General
of the United States

Decision

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Matter of: Octo Metric, LLC

File: B-419177

Date: December 17, 2020

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DIGEST

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

DECISION

Octo Metric, LLC, a small business of Atlanta, Georgia, protests the issuance of a task order to ValidaTek-CITI, LLC, a small business of McLean, Virginia, by the Defense Information Systems Agency (DISA) pursuant to request for proposals (RFP) 832015480, issued under the National Institutes of Health's Chief Information Officer--Solutions and Partners 3 (CIO-SP3) multiple award indefinite-delivery, indefinite-quantity (IDIQ) contract for information technology (IT) and network engineering and development. The protester contends that the agency erred in its evaluation of proposals and in the conduct of its best-value tradeoff.

We deny the protest.

BACKGROUND

The agency issued the RFP on June 16, 2020, to all small business holders of the CIO-SP3 IDIQ contract. Consolidated Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 4. The RFP provided that award would be made on the basis of a

best-value tradeoff between two evaluation factors: (1) technical/management approach; and (2) price. Agency Report (AR), Tab 1, RFP at 3-4. Additionally, the technical/management factor was composed of three subfactors: (1) program and project management support; (2) engineering, test, and development; and (3) architecture and design. *Id.* The RFP indicated that each of the technical subfactors would be given equal weight, but that the technical/management approach factor as a whole was more important than the price factor. *Id.* at 3.

The RFP provided that the agency would evaluate each subfactor and assign strengths, weaknesses, or deficiencies, and then assign one of the following ratings: blue/outstanding, purple/good; green/acceptable; yellow/marginal, or red/unacceptable. AR, Tab 1.e, Evaluation Tables. The RFP also provided that prices would be evaluated for completeness and reasonableness, and that prices may also be evaluated for realism. RFP at 4.

Furthermore, the RFP included a detailed performance work statement (PWS) that specified tasks to be performed under the task order, and the RFP's instructions to offerors referenced specific sections of the PWS. RFP at 3-4. For example, the instructions for the "engineering, test, and development" technical subfactor indicated that offerors shall, among other things, "describe their methodology for providing new approaches to Engineering IT solutions, as required by PWS Section 6 Task 2.1.3." *Id.* at 4. Relevant to this protest, PWS section 6, Task 2.1.3, provided an overarching description of required operation and maintenance for the agency's test environment as well as a list of "desired skill sets," but also included a list of required activities that the contractor would undertake in the performance of the task. AR, Tab 1.a, PWS at 29-30.

The agency received five proposals in response to the RFP, and the agency evaluated the protester and intervenor as follows:

	Octo Metric	Valida-Tek
TECHNICAL/MANAGEMENT APPROACH		
Program and Project Management Support	Green/Acceptable	Green/Acceptable
Engineering, Test, and Development	Green/Acceptable	Purple/Good
Architecture and Design	Green/Acceptable	Green/Acceptable
PRICE	\$195,994,200	\$190,345,983

AR, Tab 5, Price Negotiation Memorandum at 9

The agency concluded that ValidTek represented the best value to the government, and, on September 11, 2020, notified the protester that the agency had made award to

ValidaTek. COS/MOL at 23. The protester requested and received a debriefing, and this protest followed.¹

DISCUSSION

The protester alleges that the agency erroneously assigned the protester's proposal a weakness due to the application of an unstated evaluation criterion, and failed to assign several strengths. Protest at 4-10. Additionally, the protester alleges that the agency erred in conducting its best-value tradeoff. *Id.* at 11. We address these arguments in turn.²

Unstated Evaluation Criterion

First, the protester argues that the agency applied an unstated evaluation criterion in assigning a weakness to the protester's proposal. Comments at 2-6. In this regard, the protester notes that the agency assigned the protester's proposal a weakness for failing to address Active Directory (AD), and Microsoft management tools, such as System Center Configuration Manager (SCCM) or System Center Operations Manager (SCOM), in the relevant section of the protester's technical proposal. *Id.* The protester contends that the solicitation and relevant PWS sections did not specifically direct offerors to discuss AD, SCCM, or SCOM. *Id.* at 3. Instead, the relevant section of the solicitation merely directed offerors to address how each of the "virtual, physical, and infrastructure lab environments shall be maintained" in accordance with PWS section 6, task 2.1.3. *Id.* (*citing* PWS section 6, Task 2.1.3).

The protester acknowledges that AD, SCCM, and SCOM are "logical components" of the lab environment, but argues that they are not virtual, physical, or infrastructure components. In addition, conceding that the PWS section mentions AD, SCCM, and SCOM, the protester dismisses the specific references because they are identified on a lengthy list of "desired skillsets," not as requirements. Comments at 3. Accordingly, the protester maintains that the solicitation and PWS did not require discussion of AD, SCCM, and SCOM, and the agency applied an unstated evaluation criterion when it assigned the protester's proposal a weakness for failing to discuss them. *Id.*

When reviewing a protest challenging an agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgment 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 whether the agency's evaluation was reasonable and

¹ The awarded value of the task order at issue here is \$190,345,983, and, accordingly, this protest is within our jurisdiction to hear protests of task orders placed under civilian agency indefinite-delivery, indefinite-quantity contracts valued in excess of \$10 million. 41 U.S.C. § 4106(f)(2).

² Initially the protester also challenged the agency's price evaluation, but subsequently withdrew that protest ground. See Comments at 1 n.1.

consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. *AECOM Mgmt. Servs., Inc.*, B-417639.2, B-417639.3, Sept. 16, 2019, 2019 CPD ¶ 322 at 9. A protester's disagreement, without more, does not form the basis for us to conclude that an evaluation was unreasonable. See *DynCorp International, LLC*, B-412451, B-412451.2, Feb. 16, 2016, 2016 CPD ¶ 75 at 7-8.

We do not agree that the agency applied an unstated evaluation criterion in this case. As preliminary matter, we note that the agency's narrative supporting the weakness primarily focused on the protester's lack of attention to AD. AR, Tab 4, Selection Recommendation Decision (SRD) at 19-20. That is to say, while the weakness mentions SCCM and SCOM once in passing, the narrative repeatedly references AD and discusses the implications of the protester's lack of discussion of AD at some length. *Id.* Further, in the best-value tradeoff recommendation narrative, the evaluators describe the protester's weakness only in terms of the protester's failure to address AD, and do not mention SCCM and SCOM. AR, Tab 4, SRD at 55.

With respect to AD, the protester is incorrect that the solicitation only discusses AD as a desired skillset. Rather, the solicitation was clear that offerors should address a specific PWS task, and the relevant PWS task made it clear that AD was a component of the agency's lab environment. Specifically, the solicitation directed offerors to demonstrate their technical understanding of the agency's systems environment, address their methodology for providing new engineering approaches, describe how they would maintain the lab environments, and describe their technical approach as required and in accordance with PWS section 6, task 2.1.3. *Id.*

While the protester is correct that PWS section 6, task 2.1.3, lists a number of "desired skillsets," which include AD, it also provides a list of activities that the contractor "shall" perform. PWS at 29-30. Relevant here, the PWS provided that the contractor shall "[e]ngineer and implement designs related to upgrades and enhancements involving all IT Infrastructure, servers, firewalls, circuits, cabling, *AD*, DNS, network monitoring tools, and other special systems." *Id.* at 30 (emphasis added). Accordingly, the PWS is clear that AD, specifically, is part of the agency's existing infrastructure, which the offeror will be responsible for upgrading as part of the task that the RFP required offerors to address. *Id.*

Further, the PWS also makes clear that maintenance in the context of this PWS task includes upgrades to software components, which would include AD. The PWS provides that the contractor shall "[p]rovide the operation and [m]aintenance for all servers, remote access and LAN/WAN software and hardware," and that "[m]aintenance includes (but is not limited to) backup and restoration, software upgrades, software patch installations, hardware replacements and diagnosis/resolution of any software/hardware issues." *Id.* Given that AD is mentioned not only as a desired skillset but as part of the mandatory requirements of the PWS task incorporated by reference in the solicitation, we do not believe that the agency applied an unstated evaluation criterion by assigning a weakness for the protester's failure to address AD.

This is also clearly distinguishable from our decision in *Risk Analysis & Mitigation Partners*, B-409687, B-409687.2, July 15, 2014, 2014 CPD ¶ 214, on which the protester relies. In that case, we found the agency had applied an unstated evaluation criterion by assigning a weakness for failing to address agency standards. While the solicitation required compliance with agency standards, those standards were voluminous, the solicitation did not identify the specific standards that offerors should address, and the agency applied them selectively. *Id.* In this case, by contrast, the solicitation incorporated a specific PWS section by reference, and that PWS section directly discussed AD, which formed the basis of the weakness assigned to the protester.

With respect to the protester's arguments concerning SCCM and SCOM, the protester argues that SCCM and SCOM were only listed as desired skillsets, not requirements, and that its proposal addressed the PWS requirements for patching and monitoring by proposing the Windows Server Update Services (WSUS) tool, among other tools, instead of SCCM or SCOM. Protest at 5; Comments at 4-5. Accordingly, the protester argues that the agency erred in basing the weakness, in part, on the protester's failure to address SCCM and SCOM. In response, the agency argues that this portion of the weakness was assigned because the protester's proposal did not adequately address its use of Microsoft Windows management tools. COS/MOL at 27-28. Specifically, the agency contends that the protester's proposal did not address the Microsoft Windows management tools listed as desired skillsets in the solicitation, such as SCCM and SCOM, but the proposal also did not provide sufficient detail concerning the alternative Microsoft Windows management tools it proposed to use, such as WSUS.³ *Id.*

³ The protester objects that, because the contemporaneous evaluation record does not specifically refer to WSUS, this representation amounts to a *post hoc* rationalization, which we should not consider. Comments at 6. In reviewing an agency's evaluation, we do not limit our consideration to contemporaneously-documented evidence, but instead consider all the information provided, including the parties' arguments, explanations, and any hearing testimony. *The S.M. Stoller Corp.*, B-400937 *et al.*, Mar. 25, 2009, 2009 CPD ¶ 193 at 13. While we generally give little or no weight to reevaluations and judgments prepared in the heat of the adversarial process, *Boeing Sikorsky Aircraft Support*, B-277263.2, B-277263.3, Sept. 29, 1997, 97-2 CPD ¶ 91 at 15, post-protest explanations that provide a detailed rationale for contemporaneous conclusions, and simply fill in previously unrecorded details, will generally be considered in our review of the rationality of selection decisions--so long as those explanations are credible and consistent with the contemporaneous record. *Remington Arms Co., Inc.*, B-297374, B-297374.2, Jan. 12, 2006, 2006 CPD ¶ 32 at 12.

In this case, the contemporaneous record clearly noted that the evaluators were concerned that the protester's proposal lacked attention to Microsoft Windows management, generally, and to Microsoft Windows management tools, specifically. The agency's explanation that the protester provided insufficient information about its proposed use of the new tools it proposed for Microsoft Windows management is credible, and entirely consistent with the contemporaneous record.

Here, the contemporaneous record reflects that the agency assigned the weakness because the protester's proposal lacked detailed discussion of AD and Microsoft Windows management tools. AR, Tab 4, SRD at 19-20. While the weakness mentioned SCCM and SCOM, which are the Microsoft Windows management tools currently in use at the agency, those tools are referenced as examples of the offeror's failure to elaborate on its approach to using Microsoft Windows management tools more generally. See *Id.* ("However, the offeror does not specifically address AD management, or use of Microsoft management tools such as [SCCM] to manage patches, imaging, task sequences; and [SCOM] to monitor system performance and health."). Thus, contrary to the protester's assertions, the record supports the agency's position that the weakness was based on Octo's more general failure to provide a detailed discussion of its use of Microsoft management tools, examples of which are SCCM and SCOM (the two tools specifically mentioned in the solicitation) and WSUS (the tool referenced in the protester's proposal). Accordingly, based on the record before us, we see no basis to conclude that agency was unreasonable in reaching this conclusion.

Unacknowledged Strengths

Additionally, the protester alleges that the agency failed to acknowledge strengths relating to two features of the protester's proposal that clearly exceeded the solicitation's requirements in a way that is beneficial to the government.⁴ First, the protester alleges that it should have received a strength for its tailored asset library and management tools, which were developed from state-of-the-art techniques. Protest at 7. Second, the protester contends it should have received a strength for proposing a dedicated transition manager to reduce transition risk. *Id.*

As noted above, when reviewing a protest against an agency's evaluation of proposals, our Office will not substitute our judgment for that of the agency; rather, we will examine the record to determine whether the agency's judgments were reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. *U.S. Textiles, Inc.*, B-289685.3, Dec. 19, 2002, 2002 CPD ¶ 218 at 2. In this regard, the evaluation of an offeror's proposal is a matter within an agency's broad discretion, since the agency is responsible for defining its needs and the best method for accommodating them. *Id.* Moreover, an agency is not required to document all

⁴ The protester initially alleged that the agency had overlooked eight beneficial aspects of the protester's proposal that merited strengths, and the agency responded to each of those allegations in the agency report. The protester, in its comments, only substantively responded concerning two of the eight alleged strengths. See Comments at 7-10. Where an agency provides a detailed response to a protester's assertions and the protester does not respond to the agency's position, we deem the initially-raised arguments abandoned. *Citrus College; KEI Pearson, Inc.*, B-293543 et al., Apr. 9, 2004, 2004 CPD ¶ 104 at 8 n.4. Accordingly, we consider the protester to have abandoned the challenges concerning the six additional alleged strengths and do not consider them further.

“determinations of adequacy” or explain why a proposal did not receive a strength, weakness, or deficiency for a particular item. *Allied Tech. Group, Inc.*, B-412434, B-412434.2, Feb. 10, 2016 CPD ¶ 74 at 13.

With respect to asset library and management tools, the protester argues that it proposed its Octo Metric Process Asset Library (OPAL), which is a proprietary collection of tools, processes, and templates based on widely adopted frameworks and best practices. Protest at 7. The protester contends that these tools are already in use in many locations across the government, are easy to use, and could drive cost savings. *Id.* These tools, the protester contends, exceed the solicitation requirements and are advantageous to the government. *Id.*

In response, the agency argues that it discussed the OPAL framework in its contemporaneous evaluation record, noting that the OPAL management framework addressed the solicitation requirement to demonstrate how Octo would manage task order projects through a cycle of planning, execution, monitoring, and controlling the projects. COS/MOL at 32. However, the agency argues that Octo was not assigned a strength because this aspect of Octo’s proposal demonstrated that it met, but did not exceed, the requirement. *Id.*

The protester responds by noting that the contemporaneous evaluation ignores the true benefit of the OPAL framework, which offered specific, tailored tools, processes, and practices developed from state-of-the-art techniques. Comments at 8. Octo also argues that it did not propose “*standard* industry practices, it proposed *best* industry practices.” *Id.* (emphasis original).

In this regard, the contemporaneous record clearly reflects that the agency considered the protester’s OPAL framework and concluded that it merely met the solicitation’s requirements. See AR, Tab 4, SRD at 15. Here, the protester and agency simply disagree about the merits of the protester’s proposed tools. And as previously stated, 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. We see no basis to conclude that the agency was unreasonable in failing to assign a strength in this regard.

With respect to its transition manager, the protester argues that it proposed to assign a senior executive with prior federal contract transition experience to manage the transition process. Protest at 7; Comments at 9-10. The protester notes that this dedicated executive would mitigate any transition risk, and that it proposed to assign this manager at no additional cost to the government. *Id.* The protester maintains that proposing a dedicated transition manager at no additional cost to the government clearly exceeds the solicitation requirements and represented a clear advantage to the government. *Id.*

In response, the agency contends that Octo’s approach clearly addressed the solicitation’s transition-related requirements, but that the evaluators did not believe the

proposed approach meaningfully exceeded those requirements. COS/MOL at 33-34. Additionally, the agency notes that, in a fixed-price contract such as this one, the idea of providing services at no additional cost is not necessarily meaningful. *Id.* This is especially the case where the protester's price was ultimately higher than the awardee's price. *Id.*

The protester argues in response that the agency "wholly missed the point" of this proposal feature by allegedly focusing on the fact that the manager would be provided at no additional cost, rather than on the unique capability offered by its manager. Comments at 9-10. However, the agency, over and above its remarks concerning the cost feature, was clear that the proposal of a dedicated manager to oversee the transition merely addressed the solicitation's transition requirements, and that the evaluators did not view that proposal feature as meriting a strength. COS/MOL at 33-34.

Again, the protester and the agency simply disagree about the merit of the protester's proposed approach. We see no basis to conclude that the agency's evaluation was unreasonable in this respect.

Best-Value Tradeoff

Finally, the protester contends that the agency erred in its best-value tradeoff decision because the protester's proposal represented the best value to the government. Comments at 10-11. Specifically, the protester notes that the offerors had similar ratings, with the exception of a single technical subfactor in which the awardee received a purple/good rating and the protester received a green/acceptable rating. *Id.* With respect to that subfactor, the protester received two strengths and one weakness, while the awardee received only one strength which was identical to one of the two strengths that the protester received. *Id.* Given that it received more strengths than the awardee and only one weakness, Octo argues that the agency either was unreasonable in assigning Octo a lower technical rating than the awardee, or failed to look behind the adjectival ratings to consider the underlying merits of the proposals. *Id.* Finally, the protester maintains that, but for this error, the agency likely would have come to a different award decision because the awardee's price advantage was only 2.88 percent and the technical factor was the most important factor. *Id.*

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results, and their judgments are governed only by the tests of rationality and consistency with the stated evaluation criteria. *Client Network Servs., Inc.*, B-297994, Apr. 28, 2006, 2006 CPD ¶ 79 at 9. When reviewing an agency's source selection decision, we examine the supporting record to determine if it was reasonable and consistent with the solicitation's evaluation criteria and applicable procurement statutes and regulations. *The SI Organization, Inc.*, B-410496, B-410496.2, Jan. 7, 2015, 2015 CPD ¶ 29 at 14.

The protester is correct that it received two strengths and one weakness under the relevant subfactor, while the awardee received only a single strength. The agency's price negotiation memorandum, however, was clear that the agency viewed Octo's failure to address how it would manage AD to have meaningfully increased Octo's risk of unsuccessful performance. AR, Tab 5, Price Negotiation Memorandum at 10-11. Because the agency concluded that Octo's risk of unsuccessful performance with respect to this technical subfactor was moderate, the agency assigned Octo a rating of green/acceptable. *Id.* By contrast, ValidaTek had no weaknesses and the agency concluded that ValidaTek's proposal posed a lower risk of unsuccessful performance, assigning ValidaTek a rating of purple/good. *Id.* While the protester views its weakness as a minor one that should not have offset its strengths, the agency did not agree, and there is nothing unreasonable about the agency's conclusion that Octo's weakness increased its risk of unsuccessful performance as compared to ValidaTek.

Moreover, because the proposal selected for award was both higher technically rated and lower priced than the protester's proposal, a comparative evaluation between the protester's and awardee's proposals was not required. *Alliance Technical Services, Inc.*, B-311329, May 30, 2008, 2008 CPD ¶ 108 at 3. Because we conclude that the agency did not err in its evaluation of Octo or in concluding that ValidaTek was technically superior, we see no basis to conclude that the agency's best-value tradeoff decision was unreasonable.

The protest is denied.

Thomas H. Armstrong
General Counsel