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# Decision

**Matter of:** Imagine One Technology & Management, Ltd.

**File:** B-420512; B-420512.2

**Date:** May 12, 2022

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Matthew G. Hjortsberg, Esq., and Lauren M. Upton, Esq., Bowie & Jensen, LLC, for Disk Enterprise Solutions, Inc., the intervenor.

Heather B. Norris, Esq., and Aldo Perez, Esq., Department of the Navy, for the agency. Jacob M. Talcott, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Protest challenging the agency's evaluation of proposals is denied where the evaluation was reasonable and in accordance with the terms of the solicitation.

## DECISION

Imagine One Technology & Management, Ltd., a small business of Lexington Park, Maryland, protests the issuance of a task order by the Department of the Navy, Naval Air Systems Command, to Disk Enterprise Solutions, Inc. (DESI), a small business of Lexington Park, Maryland. The task order was issued under request for proposals (RFP) No. N0042121R3007 for support services for the Navy's Digital Networks and Applications department. The protester contends the agency's evaluation of proposals was unreasonable.

We deny the protest.

## BACKGROUND

The agency issued the RFP as a small business set-aside on March 1, 2021, in accordance with Federal Acquisition Regulation part 16. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 4; Agency Report (AR), Exh. 1, RFP at 81. The RFP contemplated the issuance of a cost-plus-fixed-fee task order to a contract holder under the Navy's Seaport NxG contract for base period of one year, with four 1-year option periods and a 6-month option to extend services. COS/MOL at 4;

RFP at 78. The due date for proposals, as amended, was April 14, 2021.<sup>1</sup> COS/MOL at 6-7.

The RFP provided for the submission of proposals in two volumes: technical and cost/price. RFP at 69. The technical volume was to address two elements: “Understanding of the Requirement” and key personnel. *Id.* at 69. The solicitation contemplated award on a best-value tradeoff basis with technical factors “significantly more important” than cost/price. *Id.* at 81-83. The technical understanding element was more important than key personnel. *Id.*

Under the technical understanding element, the agency would evaluate the offeror’s technical approach, as well as its written narratives and response to a sample task, to determine the offeror’s understanding of the services, ability to meet the requirements, and whether its methodology met or exceeded the requirements provided in the statement of work (SOW). *Id.* at 82. Under the key personnel element, offerors were to demonstrate that their proposed key personnel (1) met the labor category (LCAT) descriptions in the SOW, (2) held the required certifications, (3) possessed the required security clearance, and (4) submitted a signed letter of commitment. To determine whether the proposed personnel met the minimum qualifications for the LCAT for which they were proposed, the agency would evaluate resumes on a pass/fail basis.<sup>2</sup> *Id.* at 83. If the proposed individual met the minimum qualifications, the agency would assess the relevancy of the individual’s experience to the requirements. *Id.* The evaluators assigned a relevancy of experience finding if a resume provided benefits that exceeded the RFP requirements. AR, Exh. 9, Technical Team Response to Protest Allegation at 6.

The solicitation provided the agency would assign proposals an overall technical rating of good, acceptable, or unacceptable based on the agency’s “assessment of each offeror’s submission including any evaluated positive and negative findings.”<sup>3</sup> RFP at 83-84. The RFP defined a “positive finding” as a finding that provided merit/benefit to the agency or favorably demonstrated understanding of the requirements, adequacy

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<sup>1</sup> The RFP was amended four times. COS/MOL at 6-7. All citations are to the final, amended version.

<sup>2</sup> Likewise, a failure to meet the minimum requirements for any of the other criteria would “make the submission ineligible for award.” RFP at 83. That is, the agency would reject any proposal that did not clearly demonstrate that the key personnel (1) met the LCAT descriptions in the SOW, (2) held the required certifications, (3) possessed the required security clearance, or (4) submitted a signed letter of commitment. *Id.*

<sup>3</sup> A rating of good indicated the proposal exceeded the requirements and provided benefits that outweighed any negative findings that may have existed. RFP at 84. A rating of acceptable indicated the proposal met the requirements and may have provided some benefit, even if negative findings existed. *Id.* A rating of unacceptable indicated the proposal did not meet the requirements. *Id.*

of approach, or associated risk to performance, whereas a “negative finding” meant a finding that unfavorably impacted the understanding of the requirements, adequacy of approach, or associated risk to performance. *Id.* at 83.

The agency received nine proposals by April 14, including proposals from Imagine One and DESI. COS/MOL at 7. The Task Order Review Panel (TORP) convened on January 19, 2022, and advised the Source Selection Authority (SSA) that only the proposals submitted by Imagine One and DESI were eligible for award. *Id.* at 8. The remaining seven proposals were eliminated from the competition for failing to meet the minimum qualifications for key personnel. *Id.*

The technical evaluation and cost/price evaluation results for Imagine One and DESI were as follows:

	Imagine One	DESI
<b>TECHNICAL RATING</b>	GOOD	GOOD
<b>Understanding the Requirements</b>	Positive findings: 8 Negative findings: 0	Positive findings: 9 Negative findings: 0
<b>Key Personnel</b>	Pass Relevancy of experience findings: 3	Pass Relevancy of experience findings: 6
<b>PROPOSED COST</b>	\$28,005,285	\$31,863,480
<b>EVALUATED COST</b>	\$30,236,629	\$32,439,399

AR, Exh. 3, TORP Evaluation at 2; AR, Exh. 4, SSDM at 3, 5.<sup>4</sup>

Following its evaluation, the TORP recommended issuing the task order to DESI, a decision with which the SSA concurred on January 26. AR, Exh. 3, TORP Evaluation at 7; AR, Exh. 4, SSDM at 10. The SSA found that DESI’s proposal demonstrated the best understanding and approach across key areas of the contract requirements, and that its technical superiority was worth the difference in cost. AR, Exh. 4, SSDM at 10. Accordingly, the agency issued the task order to DESI on January 31. COS/MOL at 8. Imagine One submitted a list of debriefing questions to the agency on February 2; the agency responded to Imagine One’s questions on February 3. *Id.* at 9. Imagine One filed this protest with our Office on February 9.<sup>5</sup>

<sup>4</sup> Although the agency initially assigned DESI’s proposal seven relevancy findings, it conceded in a later filing that one of the findings was assigned in error. Supp. MOS/COL at 11. Therefore, the chart has been updated to reflect this change.

<sup>5</sup> Our Office has jurisdiction over this protest pursuant to 10 U.S.C. 3406(f) because the value of the task order, which was placed under an indefinite-delivery, indefinite-quantity contract established by the Navy, exceeds \$25 million.

## DISCUSSION

Imagine One contends the agency should have eliminated DESI's proposal from the competition because it failed to meet the solicitation's minimum requirements for key personnel. Imagine One further contends that its proposal should have received additional positive findings, the agency evaluated proposals using different evaluation criteria, and the agency conducted an improper tradeoff.<sup>6</sup> For reasons discussed below, we deny the protest.

### Challenge to DESI's Key Personnel

Imagine One contends that two of the key personnel proposed by DESI failed to meet the minimum requirements of the solicitation, and thus, its proposal should have been deemed ineligible for award.<sup>7</sup> Specifically, Imagine One argues DESI proposed a position designated as a "general and operations manager," and a computer systems analyst that lacked the experience required by the solicitation. Comments and Supp. Protest at 1-5.

In 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. See *SDS Int'l, Inc.*, B-291183.4, B-291183.5, Apr. 28, 2003, 2003 CPD ¶ 127 at 5-6. We review the record to determine only whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria as well as applicable procurement statutes and regulations. *MVM, Inc.*, B-407779, B-407779.2, Feb. 21, 2013, 2013 CPD ¶ 76 at 6. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that an evaluation was unreasonable. *Id.* at 5.

The RFP required that key personnel in senior-level positions have (1) more than ten years of experience related to the LCAT description and (2) a bachelor's degree.<sup>8</sup> RFP at 61. If proposed key personnel for a senior-level position did not have a bachelor's

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<sup>6</sup> While we do not specifically address each challenge raised by the protester, we have considered them and find none to be meritorious.

<sup>7</sup> Although Imagine One initially argued that three of DESI's key personnel failed to meet the solicitation's requirements, see Comments and Supp. Protest at 3-5, it challenged only two of the key personnel in a subsequent filing. See Supplemental Comments at 1-7. We thus conclude that Imagine One's challenge to the third individual was abandoned, as the protester failed to provide any substantive response to the arguments advanced by the agency in its supplemental report about the qualifications of this individual. *Avionic Instruments, LLC*, B-418604.3, May 5, 2021, 2021 CPD ¶ 196 at 5.

<sup>8</sup> The key personnel challenged by the protester were proposed for senior-level positions. RFP at 74.

degree, the RFP provided that a bachelor's degree could be replaced with either (1) an associate's degree plus four years of additional experience related to the LCAT description, or (2) six years of additional experience related to the LCAT description. *Id.* Additionally, an associate's degree could be replaced with a high school diploma or a general education diploma, plus two years of experience related to the LCAT category. *Id.*

Imagine One contends DESI's proposed general and operations manager failed to meet the minimum requirements of the solicitation as the individual did not have ten years of experience related to the LCAT category.<sup>9</sup> Comments and Supp. Protest at 3. According to Imagine One, the only experience on this individual's resume related to the LCAT category began in August 2011. *Id.*; AR, Exh. 15, Key Personnel Resumes at 15. Thus, the protester maintains, even if all of this work was related to the LCAT category, the agency could have, at most, attributed to this individual only nine years and eight months' worth of experience. Comments and Supp. Protest at 3.

In response, the agency contends this individual's resume contains relevant experience in addition to the experience at DESI, which began in August 2011. Supp. MOL at 8-9. Specifically, the agency points to a portion of the resume indicating this individual worked at BAE Systems, a separate company, for eleven years; the agency argues that it reasonably considered this work to be related to the LCAT category. *Id.* The agency argues that when this experience is considered, DESI's proposed general and operations manager exceeds the ten year experience requirement. *Id.*

We have no basis to object to the agency's evaluation of DESI's proposed general and operations manager. The duties of the general and operations manager are to "[p]lan, direct, or coordinate the operations of public or private sector organizations," which includes "formulating policies, managing daily operations, and planning the use of materials and human resources." RFP at 63. In evaluating DESI's proposed general and operations manager, the technical evaluation team found this individual gained qualifying work while working for both DESI and BAE. Supp. AR, Exh. 1, Declaration of Technical Team Lead at 2-5. Specifically, while at DESI, this individual performed program and project management duties, such as contract oversight, personnel management, and monthly management reports. *Id.* at 4. While at BAE, this individual worked on Capability Maturity Model Integration, which, according to the agency, is a business model that helps organizations improve overall performance. *Id.* The agency determined this experience was directly related to management, and based on the

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<sup>9</sup> The individual proposed by DESI for this position had a bachelor's degree; to satisfy the remaining requirements, the individual also needed to have at least ten years of experience related to the LCAT category. RFP at 61; AR, Exh. 15, DESI Key Personnel Resumes at 32-33.

record, we have no basis to disagree.<sup>10</sup> RFP at 63. Because the agency reasonably concluded that the proposed individual had more than 10 years of relevant experience, this protest ground is denied.

Imagine One next challenges the agency's evaluation of DESI's proposed computer systems analyst. Comments and Supp. Protest at 4. Per the RFP, the computer systems analyst is a senior-level position; requiring ten years of experience plus a bachelor's degree. RFP at 61. Because DESI's proposed computer systems analyst did not have a bachelor's degree or an associate's degree, this individual was required to have an additional six years of experience, bringing the total to sixteen years of experience. *Id.* According to Imagine One, this individual had only fifteen years and ten months of experience. Comments and Supp. Protest at 4.

We disagree with the protester's calculation. When calculating years of experience, if only the month and year were provided on the resume, the agency credited the entire month listed as the start date as time on the job; it also credited the entire month listed as the end date. Supp. AR, Exh. 1, Declaration of Technical Team Lead at 5. For example, if a resume listed a job's start date as March 2021 with an end date of March 2022, the agency would credit that individual with thirteen months of experience. See *id.* In reviewing the resume submitted for this position, the agency reasonably calculated the individual had 196 months and 2 weeks' worth of experience, which exceeded sixteen years. We have no basis to object to the agency's methodology, and thus deny this protest ground.

#### Challenge to Number of Positive Findings for Imagine One's Proposal

Imagine One contends seven areas of its proposal exceeded the requirements of the RFP, and the agency unreasonably failed to assign its proposal positive findings for each of those areas.<sup>11</sup> As discussed below, we disagree with each of Imagine One's challenges here.

Imagine One argues it should have received positive findings for, among other things, (1) "establish[ing] processes for periodic review" and the "adoption of emerging

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<sup>10</sup> Imagine One further contends the agency's explanation here is a *post-hoc* justification made in response to the protest, and thus, our Office should give it little weight. Comments on Supp. AR at 3 n. 1. We find no basis for this challenge. The technical evaluation documents show the agency's considered this individual's past experience prior to issuing the task order, not just in response to this protest. AR, Exh. 8, Technical Consensus for DESI at 4.

<sup>11</sup> Imagine One initially argued that it should have received eight additional positive findings. Protest at 8-10. In its comments on the agency report, however, it reduced the number to seven. Supp. Protest and Comments at 7-9. This decision therefore addresses only the first seven challenges, as the protester has effectively abandoned its eighth challenge.

technologies;” (2) using “Ivanti to provide end-to-end customer tracking;” (3) demonstrating a plan to embed Continual Service Improvement Processes Utilization in each area across its proposed solution; and (4) proposing a set of practices for documentation, which focused on removing issues that cause “widespread outages.” Protest at 9-10. In its report, the agency addressed each of the protester’s complaints, explaining that none of the foregoing aspects merited a positive finding because none exceeded the solicitation’s requirements. For example, the agency explained that Ivanti is currently used by the Digital Networks and Applications department, and that using an existing tool does not exceed the requirements of the RFP. AR, Exh. 9, Technical Team Response to Protest Allegations at 3-4. We have no basis to object to the agency’s conclusions here.

Imagine One also contends its proposal should have received positive findings for its proposed team of instructors who are “experienced in teaching across a wide spectrum of scenarios,” and for the certification of its corporate management systems and processes. Protest at 9-10. In response to the first complaint, the agency explains it did not assign Imagine One’s proposal a positive finding because, although it explained that it had a team of experienced instructors, it did not address how this team would provide training to the DNA department. AR, Exh. 9, Technical Team Response to Protest Allegations at 4. In response to the second, the agency explains that it did not assign Imagine One’s proposal a positive finding because Imagine One did not explain how the corporate certifications would benefit the agency beyond the requirements of the RFP. *Id.* at 6. Again, we have no basis to object to the agency’s conclusions.

Finally, Imagine One argues its proposal should have received a positive finding for the certifications of its key personnel. Protest at 10. As the agency explains, however, it recognized that Imagine One’s key personnel resumes exceeded certification requirements and assigned it three key personnel relevancy findings. AR, Exh. 9, Technical Team Response to Protest Allegations at 6. In other words, Imagine One’s proposal received credit for these certifications, albeit in a different area of the evaluation. This protest ground is thus denied.

Throughout many of the challenges provided above, Imagine One contends the agency assigned DESI’s proposal a positive finding for a feature that was “almost the exact same thing” offered by Imagine One. Comments and Supp. Protest at 8-9. Thus, the protester argues the agency either used different evaluation criteria in its assessments, or engaged in disparate treatment. *Id.* To prevail on an allegation of disparate treatment, a protester must show the agency unreasonably failed to assess strengths (or assessed weaknesses) for aspects of its proposal that were substantively indistinguishable from, or nearly identical to, those contained in other proposals. *Battelle Memorial Inst.*, B-418047.3, B-418047.4, May 18, 2020, 2020 CPD ¶ 176 at 6.

Imagine One has not met this burden as it has not shown areas of the proposals were nearly identical to one another. For example, Imagine One contends that it should have received a positive finding for utilizing Ivanti, and that DESI received a positive finding for “almost the exact same thing.” Comments and Supp. Protest at 8. DESI, however,

did not propose, nor did it receive a positive finding for, using Ivanti. See AR, Exh. 8, Technical Consensus for DESI. Thus, the proposals were not nearly identical. Moreover, weighing the relative strength of different program management processes, as well as other aspects of proposals, is a matter we leave to the discretion of the agency. *SDS Int'l, Inc.*, *supra*, at 5.

#### Challenge to Cost-Technical Tradeoff

Imagine One also challenges the agency's cost-technical tradeoff, arguing that the underlying technical evaluation was unreasonable and that the agency did not give proper consideration to the difference in cost between the proposals. Comments and Supp. Protest at 7.

With regard to the first part of the protester's argument, as explained above, we have no basis to object to the agency's evaluation of DESI's key personnel. We also have rejected Imagine One's contention that its proposal should have received additional positive findings.

With regard to the protester's second complaint, 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; cost/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the solicitation's evaluation criteria. *Olgoonik Global Security, LLC*, B-414762, B-414762.2, Sept. 8, 2017, 2017 CPD ¶ 282 at 4. Here, the RFP provided that technical factors were "significantly more important" than cost. RFP at 82. We thus have no basis to object to the agency's decision to select a higher-cost, technically superior proposal.

To the extent the protester suggests the agency could not have reasonably distinguished the two proposals and should not have considered the advantages identified to be worth the cost premium in question, this complaint constitutes a disagreement with the SSA's judgment, which, without more, is insufficient to demonstrate that the tradeoff was unsupported. *MCR Fed., LLC*, B-401954.2, Aug. 17, 2010, 2010 CPD ¶ 196 at 11. In conclusion, we have no basis to object to the agency's decision to issue the task order to the offeror who submitted the higher-rated, higher-cost proposal here.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel