



Decision

Matter of: Computerized Facility Integration LLC, a Newmark Company

File: B-420865

Date: September 28, 2022

Diane E. Whinham, for the protester.

John W. Tangalos, Esq., Department of Veterans Affairs, for the agency.

Raymond Richards, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging a deficiency identified in the protester's quotation under the technical factor is denied were the deficiency was reasonably assessed based on the protester's proposed technical approach and the terms of the solicitation.
2. Protester is not an interested party to maintain remaining protest grounds where its quotation was rendered ineligible for award based on a reasonably assessed deficiency, and where the record demonstrates that there was an award eligible vendor that would be next in line for award even if the protester's remaining grounds were sustained.

DECISION

Computerized Facility Integration LLC, a Newmark Company (Computerized), a small business of New York, New York, protests the issuance of a task order to Blue Water Thinking, LLC, a small business of Edgewater, Maryland, under request for quotations (RFQ) No. 36C10B22Q0246, issued by the Department of Veterans Affairs (VA), for a commercially available off-the-shelf (COTS), software as a service (SaaS) brand name TRIRIGA¹ or equal solution to replace the agency's current project management

¹ TRIRIGA is a brand name management system product currently used by the VA as a construction management system for major construction projects. Agency Report (AR), Tab 5, RFQ at 19.

information systems (PMIS). The protestor challenges the agency's evaluation of its quotation.²

We deny the protest.

BACKGROUND

The mission of the VA's Office of Construction and Facilities Management (CFM) is to provide design, major construction, and lease project management; design and construction standards; and historic preservation services and expertise to the VA in an effort to deliver high-quality, cost-effective facilities to support military veterans. RFQ at 19. Major projects at CFM involve complex project management processes. *Id.* CFM's currently configured PMIS aid the agency's project management efforts by allowing the agency to improve accountability and collaboration while capturing a digital record of all project management decisions and supporting information. *Id.*

On May 10, 2022, the VA issued the RFQ as a small business set-aside under the procedures of Federal Acquisition Regulation (FAR) subpart 8.4, Federal Supply Schedules (FSS), to small business vendors holding multiple award schedule No. 54151S, information technology professional services. RFQ at 1, 99. The RFQ explained that CFM required a COTS, SaaS brand name TRIRIGA or equal solution to replace its current PMIS. *Id.* at 19. The RFQ required any proposed solution to be Federal Risk and Authorization Management Program (FedRAMP) approved at a moderate impact level.³ *Id.* The RFQ further required the prospective contractor to provide subscriptions to new PMIS software along with comprehensive support services to ensure the successful deployment of the new PMIS. *Id.*

The RFQ contemplated the issuance of a fixed-price task order with a 1-year base period and a single 1-year option period to the vendor submitting the lowest-priced technically acceptable quotation, considering price and a single non-price factor, technical. *Id.* at 22, 98. Quotations would be evaluated under the technical factor by assessing five aspects of the vendor's technical approach. *Id.* at 100-101. The first four aspects would evaluate how the vendor approached certain requirements detailed in the

² The protestor elected to file and pursue its protest *pro se* (on its own behalf), and therefore no protective order was issued in this matter. In certain areas, our discussion is general in nature to avoid reference to non-public information.

³ FedRAMP provides a standardized approach to security authorizations for Cloud Service Offerings (CSOs). See fedramp.gov (last visited Sept. 26, 2022). FedRAMP currently authorizes CSOs at three impact levels: low, moderate, and high. See fedramp.gov/understanding-baselines-and-impact-levels/ (last visited Sept. 26, 2022). Moderate impact systems are used for CSOs where the loss of confidentiality, integrity, and availability would result in serious adverse effects on an agency's operations, assets, or individuals. *Id.*

performance work statement (PWS), while the final aspect would evaluate the vendor's "description of how data migration [would] be executed to a new system at the end of the contract period." *Id.* at 101. Quotations were due by May 27. *Id.* at 1.

The agency received multiple quotations by the submission due date, including quotations from Computerized and Blue Water Thinking.⁴ Contracting Officer's Statement (COS) ¶¶ 4, 8. The relevant evaluation results are as follows:

	Technical	Price
Computerized	Unacceptable	\$3,057,346
Blue Water Thinking	Acceptable	\$3,514,782

AR, Tab 10, Award Notice at 1.

The agency found Computerized's quotation to be technically unacceptable, assessing it with three deficiencies. AR, Tab 9, Technical Evaluation Report at 2-3. First, the agency found that Computerized's quotation "[did] not indicate a clear understanding of the requirements outlined in PWS Section 5.3[.]" system hosting, and did not clearly explain its approach to PWS section 5.14, assessment, authorization, and continuous monitoring. *Id.* at 2. Second, the agency found that Computerized's quotation "failed to provide a data migration approach as required in [PWS] section 5.7[.]" data migration, optional task 1. *Id.* at 2-3. Third, the agency found that Computerized's quotation "failed to adequately address the data migration required in PWS 5.13[.]" transition support, optional task 3. *Id.* at 3.

The agency concluded that Blue Water Thinking submitted the lowest-priced, technically acceptable quotation. COS ¶ 8. Accordingly, on June 24, the agency issued the task order to Blue Water Thinking. *Id.* ¶ 9. On June 24, the agency notified Computerized by email that the task order was issued to Blue Water Thinking. *Id.* ¶ 10. On June 28, the agency provided Computerized with a written brief explanation of the award decision. *Id.* ¶ 11. On July 7, Computerized filed the instant protest with our Office.

DISCUSSION

Computerized challenges the agency's evaluation of its quotation, arguing that its quotation should have been found technically acceptable, and that it, not Blue Water Thinking, submitted the lowest-priced, technically acceptable quotation. Protest at 7-10, 13-14; Comments, attach. 2, Resp. to COS ¶¶ 5, 7-8.⁵ The VA argues that

⁴ The record does not include any information about the quotations submitted by any vendors other than Computerized and Blue Water Thinking.

⁵ For clarity, we label the protester's filing at Electronic Protest Docketing System (Dkt.) No. 21 as the comments on the agency report. We note that this filing was made two days after the agency filed its report, and directly responds to the contracting officer's

Computerized failed to submit a technically acceptable quotation which rendered the firm ineligible for award. Memorandum of Law (MOL) at 1. For the reasons explained below, we deny the protest.⁶

Where an agency issues a solicitation to FSS contract holders under FAR subpart 8.4 and conducts a competition, we will review the record to ensure that the evaluation was reasonable and consistent with the terms of the solicitation. *Knight Point Sys., LLC*, B-416602, B-416602.2, Oct. 26, 2018, 2018 CPD ¶ 371 at 5. In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate quotations. *DEI Consulting*, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. Rather, we will examine the record to determine whether the agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable procurement statutes and regulations. *Id.* A protester's disagreement with the agency's judgments does not establish that the evaluation was unreasonable. *Deloitte Consulting, LLP*, B-416882.4, Jan. 6, 2020, 2020 CPD ¶ 21 at 4.

The VA Reasonably Found Computerized's Quotation Ineligible for Award

The protester challenges the deficiency assessed to its quotation for failing to demonstrate a clear understanding of PWS sections 5.3 and 5.14. Protest at 7. The protester generally argues that its proposed solution met the requirements of the solicitation and that the agency has failed to sufficiently identify any supposed non-compliance with the RFQ's terms. See Comments, attach. 2, Resp. to COS at 5-6.

Relevant here, the RFQ required vendors to propose an approach that met the agency's requirements as outlined in PWS sections 5.3 and 5.14. RFQ at 100 (item No. 2). Section 5.3 of the PWS required the following:

The Contractor shall host the PMIS Solution and provide CFM users, and those non-CFM users identified by CFM, all necessary access to utilize, administer, and configure the solution. The cloud service provider must meet the FedRAMP requirements at a Federal Information Security Management Act (FISMA) Moderate Risk Level [] which shall be maintained throughout the Period of Performance.

Id. at 38. Section 5.14 of the PWS listed 14 requirements; relevant to the protest, section 5.14 required the following: "The information system solution selected by the Contractor shall comply with [FISMA,]" and "[t]he Contractor shall comply with FedRAMP requirements as mandated by Federal laws and policies, including making

statement and the agency's TRIRIGA determination. The protester subsequently confirmed that this filing was intended to be its comments. Resp. to GAO at 1.

⁶ The protester raises other collateral arguments. While our decision does not discuss every argument raised, we have considered them all and find no basis to sustain the protest.

available any documentation, physical access, and logical access needed to support this requirement.” *Id.* at 46.

In assessing a deficiency to Computerized’s quotation in these areas, the agency found that Computerized’s quotation did not adequately demonstrate that its solution would be hosted within an approved FedRAMP moderate environment and consequently, it failed to show how the solution would meet the agency’s deployment schedule set forth in the PWS. Specifically, the agency’s evaluators stated as follows:

[Computerized] specified that they would host their solution within an approved FEDRAMP (FISMA) Moderate Risk Level service provided by [Service A] or [Service B.⁷] However, the TRIRIGA software solution [Computerized] is proposing is not FEDRAMP approved for the [Service A] hosting environment. Therefore, it is unclear how [Computerized] would meet the deployment schedule as required in PWS section 5.3 and 5.14. [Computerized] mentions the possibility of using the [Service B] environment to host the TRIRIGA solution, however[, Computerized] provided no details on how they would transfer the existing TRIRIGA [Service A] application to the [Service B] environment, nor did they provide any timelines to accomplish the transfer within the schedule required in the solicitation. Therefore, [Computerized’s] approach to Section 5.3 System Hosting, fails to meet the requirements of the solicitation.

AR, Tab 9, Technical Evaluation Report at 2; see AR, Tab 11, Brief Explanation at 7.

In response to the protest, the contracting officer provided further explanation of the identified deficiency. The contracting officer states that the RFQ required the prospective contractor to comply with FedRAMP. RFQ at 46; COS ¶¶ 22-24. Computerized, the incumbent contractor, proposed to provide an upgrade to its current PMIS solution and host that solution within a FedRAMP moderate impact Service A environment. COS ¶ 25. The contracting officer explains that Computerized’s current PMIS solution is not FedRAMP authorized for use within the Service A hosting environment according to the FedRAMP marketplace. *Id.* ¶ 28. This rendered Computerized’s proposed solution unacceptable. See *id.* ¶ 29. Because the agency concluded that the quotation did not meet the solicitation’s minimum requirements, the agency found Computerized’s quotation ineligible for award. AR, Tab 9, Technical Evaluation Report at 3.

The agency notes that Computerized’s quotation also included an alternative technical approach. COS ¶ 38. To the extent that Computerized disputes the agency’s evaluation of the firm’s alternative technical approach, we find no basis to sustain the protest. While noting that the RFQ did not contemplate receiving multiple technical

⁷ We use the titles Service A and Service B to describe Computerized’s proposed hosting environments, the names of which we have omitted from this decision as no protective order was issued in this matter.

approaches from a single vendor, the contracting officer states that Computerized's alternative solution also did not demonstrate compliance with the agency's requirements. The contracting officer explains that the FedRAMP marketplace currently lists five FedRAMP approved Service B SaaS offerings, only one of which is FedRAMP authorized for TRIRIGA. *Id.* ¶ 39. The lone offering that is FedRAMP authorized for TRIRIGA is not the offering proposed by Computerized. *Id.* Therefore, just as Computerized's primary technical approach failed to meet the agency's minimum requirements as established in the RFQ, the agency argues so too did its alternative approach. *Id.* ¶ 44.

We find that the agency reasonably explains this deficiency, and that the record supports the conclusion that Computerized did not submit a technically acceptable quotation. The protester's comments on the agency report do not meaningfully address the agency's evaluation or explanation. Rather, the protest and the comments on the agency report argue in broad terms that Computerized's proposed technical approach met the RFQ's minimum requirements.

For example, the protester states that it is the incumbent contractor, and argues that as the incumbent, it clearly understands the agency's requirements. Protest at 10; Comments, attach. 2, Resp. to COS at 4. As another example, the protester argues that its proposed solution meets the agency's requirements because the solution "has been compliant for the past decade." Protest at 7; *see also* Comments, attach. 2, Resp. to COS at 5 ("[Computerized's] solution has been compliant for over 10 years with FedRAMP").

Here, the protester is asking our Office to infer that its proposed solution met the agency's minimum requirements as established in the instant solicitation because the solution has met the agency's requirements as established in a prior contract. However, as the agency rightfully points out, "[Computerized's] current contract, and this procurement, are entirely different, stand-alone actions, each with their own distinct performance requirements." MOL at 11.

Based on our review of the record, we find that the agency's identification of a deficiency for Computerized's failure to demonstrate a clear understanding of the requirements outlined in PWS sections 5.3 and 5.14 was reasonable. The deficiency is directly related to the technical solution described in Computerized's quotation and reasonably relates to the requirements of the RFQ. AR, Tab 8, Technical Quotation at 19; RFQ at 38, 46; 98-100. As Computerized's quotation was found deficient, *i.e.*, did not meet the agency's minimum needs, we conclude that the agency reasonably determined that Computerized was ineligible for award. Accordingly, this protest ground is denied.

Computerized is not an Interested Party to Maintain Remaining Challenges

Computerized challenges the remaining deficiencies identified in its quotation, both relating to the firm's approach to the solicitation's optional tasks regarding data

migration. Protest at 8-9; Comments, attach. 2, Resp. to COS at 4, 10, 12-14. According to the protester, as the incumbent contractor, the solicitation expressly exempted it from addressing the sections of the PWS at issue in these deficiencies and therefore it was unreasonable for the agency to identify these deficiencies in its quotation. As explained below, we dismiss these challenges as Computerized in not an interested party to maintain them.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3557, only an interested party may protest a federal procurement. 31 U.S.C. § 3551. To qualify as an interested party, a protester must be an actual or prospective offeror or vendor whose direct economic interest would be affected by the award of a contract or order, or the failure to award a contract or order. *Id.* § 3551(2)(A); 4 C.F.R. § 21.0(a)(1). Determining whether a party is interested involves consideration of a variety of factors, including the nature of the issues raised, the relief sought, and the party's status in relation to the procurement. *SRA Int'l., Inc.; NTT DATA Servs. Fed. Gov't., Inc.*, B-413220.4 *et al.*, May 19, 2017, 2017 CPD ¶ 173 at 28. Generally, to have the requisite economic interest to maintain a protest, the protester must demonstrate that it would be in line for award if its protest were sustained. *Id.*

With respect to these remaining challenges, we find that Computerized is not an interested party to maintain them. As discussed above, the VA reasonably found Computerized to be ineligible for award based on the deficiency identified in its quotation related to PWS sections 5.3 and 5.14. Even if we were to agree with Computerized and found the remaining deficiencies to be unreasonable, Computerized would still be ineligible for award based on the first deficiency, and Blue Water Thinking would still be in next line for award.⁸ As Computerized lacks the requisite economic interest to maintain its protest on the remaining issues, they are dismissed. See 31 U.S.C. § 3551(2)(A); 4 C.F.R. § 21.0(a)(1); *SRA Int'l., Inc.; NTT DATA Servs. Fed. Gov't., Inc.*, *supra*.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

⁸ On multiple occasions, Computerized requested a complete copy of Blue Water Thinking's quotation. Our Office denied the requests. In doing so, we explained that our regulations require the production of "all relevant documents" as appropriate. 4 C.F.R. § 21.3(d); see Dkt. Nos. 19, 25-26. We further explained that Blue Water Thinking's quotation was not relevant to the protest grounds raised--which challenged only the evaluation of Computerized's quotation--and that Computerized failed to demonstrate how the awardee's quotation was relevant. Dkt. No. 26.