

# Decision

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**Matter of:** Probity, Inc.

**File:** B-420210

**Date:** December 21, 2021

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## DIGEST

Protester's challenge of its unacceptable rating is denied where agency reasonably found that one of the protester's proposed key personnel did not meet solicitation's experience requirements.

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## DECISION

Probity, Inc., of Herndon, Virginia, protests the award of a contract to Peraton, Inc., also of Herndon, Virginia, under request for proposals (RFP) No. 2021-20110900001S, issued by the Central Intelligence Agency (CIA), for data management services. Probity argues that the agency unreasonably concluded that one its proposed key personnel did not meet the solicitation's experience requirements, resulting in the improper rejection of its proposal as ineligible for award.

We deny the protest.

## BACKGROUND

The RFP seeks a contractor to manage data collected for intelligence reporting. Memorandum of Law (MOL) at 1 (citing Contracting Officer's Statement (COS) at 1).<sup>1</sup>

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<sup>1</sup> Because the agency report contains classified information, citations in this decision are to the parties' pleadings, rather than directly to the record. We have reviewed the record, however, to verify that the citations in the pleadings accurately reflect the record.

The solicitation anticipated award of a contract for a base year with four 12-month options. Protest, exh. A, Notice of Competition Results at 1. Award was to be made on a best-value tradeoff basis considering the following evaluation factors: technical; management; past performance; security; and cost/price. Protest at 3 (quoting RFP).

As relevant here, the solicitation provided for the evaluation of key personnel under a subfactor of the management factor. The solicitation's statement of work (SOW) identified five key personnel positions, including a feeds team lead. Intervenor's Comments at 3-4 (citing Agency Report (AR), Tab 24, SOW at 22; AR Tab 26, RFP § M at 3). For each position, the SOW identified the position's required qualifications. Intervenor's Comments at 4 (citing SOW at 38). The RFP instructed offerors to submit resumes for the candidates proposed for these positions and provided that the agency would evaluate the resumes to determine whether they "possess the relevant qualifications and experience to meet the requirements specified in [the] SOW[.]" Intervenor's Comments at 3 (quoting AR, Tab 26, RFP § M at 4).

The agency received proposals from six offerors, including Probity and Peraton. Protest, exh. 1, Notice of Competition Results. In evaluating Probity's proposed key personnel under the management factor, the technical and management evaluation team (TMET) found that one of Probity's key personnel--the "feeds team lead"--did not demonstrate "experience defining [DELETED] workflows" as required by the solicitation.<sup>2</sup> MOL at 5 (citing COS at 9-10). The TMET thus assessed Probity's proposal with a deficiency under this subfactor, resulting in an overall unacceptable rating for the management factor and finding that Probity's proposal was ineligible for award. *Id.* The agency concluded that Peraton's proposal provided the best value to the government and awarded the contract to Peraton. Protest, exh. 1, Notice of Competition Results. The total contract value was \$[DELETED]. *Id.*

On September 13, 2021, the agency notified Probity that its proposal had not been selected for award. *Id.* After requesting and receiving a debriefing, Probity timely filed this protest with our Office.

## DISCUSSION

Probity challenges the deficiency assigned to its proposal under the key personnel subfactor of the management factor.<sup>3</sup> The protester argues that the agency's assessment of the deficiency was based on an incorrect conclusion that Probity's candidate for the feed teams lead position did not meet one of the solicitation's

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<sup>2</sup> The intervenor explains that [DELETED] that automates data flows among multiple computer networks. Intervenor's Comments at 3 n.1.

<sup>3</sup> In its protest, Probity also challenged the agency's assessment of a minor weakness under the management factor for Probity's proposal that its [DELETED] ingest team lead also fill the role of deputy program manager. See Protest at 5-8. Probity has withdrawn this protest allegation. Comments at 2 n.2.

minimum required qualifications. As a result of this error, the protester contends the agency unreasonably evaluated its proposal as unacceptable under the management factor and improperly found its proposal ineligible for award. Although we do not specifically address all of Probity's arguments, we have fully considered them and find that none provide a basis on which to sustain the protest.<sup>4</sup>

In reviewing protests challenging the evaluation of an offeror's proposal, it is not our role to reevaluate proposals; rather, our Office examines the record to determine whether the agency's judgment was reasonable, and in accordance with solicitation criteria and applicable procurement statutes and regulations. *Patriot Def. Grp., LLC*, B-418720.3, Aug. 5, 2020, 2020 CPD ¶ 265 at 7. In a negotiated procurement, it is an offeror's responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. *PricewaterhouseCoopers Public Sector, LLP*, B-415504, B-415504.2, Jan. 18, 2018, 2018 CPD ¶ 35 at 6; *Applied Visual Tech., Inc.*, B-401804.3, Aug. 21, 2015, 2015 CPD ¶ 261 at 3; *ARBEiT, LLC*, B-411049, Apr. 27, 2015, 2015 CPD ¶ 146 at 4. A protester's disagreement with the agency's evaluation, without more, does not establish that the agency acted unreasonably. *A-P-T Research, Inc.*, B-414825, B-414825.2, Sept. 27, 2017, 2017 CPD ¶ 337 at 4

Here, the solicitation established that the agency would evaluate key personnel to determine whether they "possess the relevant qualifications and experience to meet the requirements specified in the SOW[.]" Intervenor's Comments at 3 (quoting AR, Tab 26, RFP § M at 4). For the feeds team lead position, the required experience included "demonstrated experience defining [DELETED] workflows." MOL at 5 (quoting AR, Tab 24, SOW at 38).

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<sup>4</sup> In addition, our Office previously dismissed two of Probity's arguments in response to the intervenor's dismissal request because they failed to state a valid basis of protest. First, Probity challenged the agency's conclusion that its proposal "did not represent the best value to the Government, cost and other factors considered." Protest at 11 n.1 (emphasis added). According to Probity, this conclusion was inconsistent with the RFP evaluation criteria, which made clear that the non-price factors were of paramount importance. *Id.* at 3. We dismissed this protest ground because it was not supported by the face of the RFP, which clearly advised offerors that, "[i]n determining the award of a contract," the government would "make a best value source selection decision using a Tradeoff process" and that the agency would "determine . . . best value to the [g]overnment, price and other factors considered." Intervenor Dismissal Req. at 6 (quoting AR, Tab 26, RFP § M at 1). Accordingly, the protester's allegations failed to reasonably establish a violation of statute or regulation because the allegations relied upon assumptions and characterizations concerning the RFP that were not supported by those documents, and therefore, failed to state a valid basis of protest. 4 C.F.R. §§ 21.1(c)(4) and (f). Second, we also found that Probity failed to allege facts to support an allegation that the agency engaged in unequal treatment of offerors when it evaluated proposals under the management factor regarding experience for the data feeds lead role. See Protest at 8.

As noted above, the agency assessed Probity's proposal with a deficiency because its proposed feeds team lead did not meet the minimum requirements for that position. MOL at 5. The TMET found that Probity's proposal did not establish the candidate had the required "demonstrated experience defining [DELETED] workflows." *Id.* (citing COS at 9-10.) The agency points out that the candidate's resume references [DELETED] workflows only once, stating that the individual "has a complete understanding of all data feed processes to include . . . [DELETED] workflows[.]" MOL at 5-6 (quoting AR, Tab 35, Probity Management Vol. at 23-25; COS at 9). The agency explains that this reference demonstrates only a "general understanding of [DELETED] workflows," which is different than "demonstrated experience defining [DELETED] workflows." MOL at 6. The agency maintains that its evaluators found nothing in the candidate's resume that adequately met the requirement for demonstrated experience defining [DELETED] Workflows and therefore reasonably found the submitted resume deficient.

Probity acknowledges that the RFP required offerors to propose a feeds team lead with "[d]emonstrated experience defining [DELETED] workflows." Comments at 5. The protester argues, however, that its feeds team lead provided the necessary information in his resume to meet the requirement. *Id.* at 2. Specifically, the protester points to the following information in the resume addressing the proposed feeds team lead's experience:

[This individual] has a complete understanding of all data feed processes to include data loading, [DELETED] workflows, data normalization, data monitoring, quality control, data purging, data archiving and documentation. His extensive knowledge of the data workflow process is critical in providing quality service to the customers.

*Id.* at 5 (citing AR, Tab 35, Probity Management Vol. at 23-25).

In support of its protest, Probity focuses on the statement from the resume that its candidate has a "complete understanding" of [DELETED] workflows. According to Probity, this "necessarily requires, and thus demonstrates," the candidate's "experience with [DELETED] workflows." Comments at 5. When read in context, the protester contends that the information provided in the resume was sufficient to meet the solicitation's requirement.

We conclude that the record supports the reasonableness of the agency's evaluation. The record reflects that the resume submitted for Probity's proposed feeds team lead included only a single reference to the candidate's "complete understanding" of [DELETED] workflows without providing any description or narrative discussing the candidate's actual experience defining [DELETED] workflows, which was the specific requirement set forth in the solicitation. MOL at 5-6 (quoting AR, Tab 35, Probity Management Vol. at 23-25; COS at 9). As the agency explains in response to the protest, while the reference may reflect a general understanding of [DELETED] workflows, having a general understanding of [DELETED] workflows is not the same as having demonstrated experience defining [DELETED] workflows. MOL at 6. The TMET therefore assessed Probity's proposal with a deficiency, concluding that the information

provided in the resume for its proposed candidate did not adequately show that he possessed the “demonstrated experience defining [DELETED] workflows,” as required by the solicitation. MOL at 5 (citing COS at 9-10).

Although the protester contends that the information in the resume was sufficient to show demonstrated experience defining [DELETED] workflows, the protester’s argument requires the agency to draw broad inferences from the information provided in the submitted resume to conclude that the requirements of the RFP were met. It is an offeror’s responsibility, however, to submit a well-written proposal with adequately detailed information that allows for a meaningful review by the procuring agency. *Applied Visual, supra*. If a proposal omits, inadequately addresses, or fails to clearly convey required information, the offeror runs the risk of an adverse agency evaluation. See *Diversified Servs. Grp., Inc.*, B-418375.2, May 28, 2020, 2020 CPD ¶ 207 at 4.

Here, the agency found that a general statement that the candidate has a “complete understanding” of the requirement, without a job description or additional information reflecting the experience, was not adequate to demonstrate that the proposed individual had the required experience. We are not persuaded that such a conclusion was unreasonable. While Probity maintains that the contents of the resume should have been interpreted differently, the protester’s disagreement with the agency’s evaluation does not provide a basis to sustain the protest.<sup>5</sup> *A-P-T Research, supra*.

We also find unavailing the protester’s alternative argument that the agency should have known that the proposed feeds team lead met the RFP’s experience requirement because the individual proposed for the position previously worked on this program in a similar role, and the agency is aware of his qualifications. Protest at 6; Comments at 8. In certain limited circumstances, our Office has recognized that an agency evaluating a proposal has an obligation (as opposed to the discretion) to consider outside information bearing on the offeror’s past performance. See, e.g., *International Bus. Sys., Inc.*, B-275554, Mar. 3, 1997, 97-1 CPD ¶ 114 at 5. This concept, however, is not available to remedy an offeror’s failure to include information in its proposal. *Great Lakes Towing Co. dba Great Lakes Shipyard*, B-408210, June 26, 2013, 2013 CPD ¶ 151 at 8. Additionally, our decisions in this area have been limited to consideration of past performance information known to the agency; we have generally declined to extend this principle to include information related to the qualifications of key personnel because they relate to technical acceptability rather than past performance. See, e.g., *Valkyrie Enters., supra* at 6; *Consummate Computer Consultants Sys., LLC*,

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<sup>5</sup> Probity also argues that the agency should have sought to resolve any concerns regarding the resume of the feeds team lead through clarifications. Protest at 8; Protester’s Comments at 9. Our decisions have repeatedly concluded, however, that agencies may, but are not required to, engage in clarifications. See, e.g., *Valkyrie, Enters., LLC*, B-414516, June 30, 2017, 2017 CPD ¶ 212 at 5; *Alltech Engineering Corp.*, B-414002.2, Feb. 6, 2017, 2017 CPD ¶ 49 at 6; *Satellite Servs., Inc.*, B-295866, B-295866.2, Apr. 20, 2005, 2005 CPD ¶ 84 at 2 n.2. Here, the agency was under no obligation to seek clarification from the protester.

B-410566.2, June 8, 2015, 2015 CPD ¶ 176 at 6 n.6; *Enterprise Solutions Realized, Inc.; Unissant, Inc.*, B-409642, B-409642.2, June 23, 2014, 2014 CPD ¶ 201 at 9.

Here, the protester's argument relates to the evaluation of key personnel under the management factor, not past performance. The agency, therefore, was not obliged to consider any knowledge it may or may not have had concerning the prior experience of Probit's proposed feeds team lead.

The protest is denied.

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General Counsel