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Decision

Matter of: Resource Management Concepts, Inc.

File: B-421320

Date: March 20, 2023

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DIGEST

Protest challenging various aspects of an agency's evaluation of proposals is denied where the evaluation was reasonable and consistent with the solicitation.

DECISION

Resource Management Concepts, Inc. (RMC), a small business of Lexington Park, Maryland, protests the issuance of a task order to Solutions Development Corporation (SDC), a small business of King George, Virginia, under request for proposals (RFP) No. N0017822R3013, issued by the Department of the Navy, Naval Surface Warfare Center, for technical and support services related to Navy sensor systems. The protester alleges that the agency unreasonably evaluated the protester's proposal, applied unstated evaluation criteria, and failed to assign certain strengths to the protester's proposal.

We deny the protest.

BACKGROUND

On May 17, 2022, the agency issued the RFP pursuant to Federal Acquisition Regulation subpart 16.5 to small business holders of the Navy's SeaPort Next Generation indefinite-delivery, indefinite-quantity (IDIQ) multiple-award contracts.

Agency Report (AR), Exh. 1, RFP at 1, 3, 77.¹ The solicitation seeks a contractor to provide technical and support services for efforts related to Navy sensor systems in the following areas: information technology, electronics assembly and testing, program financial management, technical writing and editing, operations support, and configuration management. *Id.* at 2.

The RFP contemplated the issuance of a task order with cost-plus-fixed-fee line items for a base year, four 1-year option periods, and a possible 6-month extension. RFP at 2. The RFP provided for award on a best-value tradeoff basis, considering the following factors, listed in descending order of importance: technical understanding/capability/approach, workforce, management capability, past performance, and total evaluated cost. *Id.* at 97. The technical factor included two elements, which were not separately rated: statement of work (SOW) and scenarios. *Id.* at 97-98. The second factor, workforce, also included two elements that were not separately rated: resumes of key personnel and staffing plan/matrix. *Id.* at 98. The RFP stated that each factor would receive its own adjectival rating and informed offerors that strengths, weaknesses, significant weaknesses, and deficiencies would be noted in the evaluation. *Id.* at 96. The solicitation advised that the technical factor was significantly more important than the workforce factor, and that the first four factors together were significantly more important than cost. *Id.* at 97.

As relevant here, for the technical factor, the solicitation cautioned offerors against “merely reiterating the objectives or reformulating” the requirements specified in the solicitation, warning that such proposals would be “deemed unacceptable and ineligible for award.” RFP at 81. Under the technical factor’s “scenarios” element, the solicitation stated that evaluators would consider an offeror’s capability to produce “feasible technical solutions” to two scenarios described in the solicitation, and that the “validity and thoroughness” of the responses would be evaluated with regard to whether they demonstrated the offeror’s understanding of, and ability to perform, the solicitation requirements. *Id.* at 98. The RFP advised offerors that their responses to the scenarios should include, at a minimum, “assumptions, decomposition of the scenario into tasks, task description(s), identification of additional information needed from the Government; task staffing, and task flow/interfaces, schedule, risk, risk reduction processes, system engineering, or other related processes to define and execute the scenario.” *Id.* at 82.

As relevant here, scenario A provided the following:

The Navy plans to utilize a scaled down version of a radar currently fielding to meet back-fit requirements for previously unplanned ships. Describe the assumptions, identification of additional information needed from the Government, steps, processes, and artifacts/deliverables you would create to do the following:

¹ The agency amended the RFP once. Citations to the RFP are to the conformed solicitation provided by the agency at exhibit 1 of the agency report.

1. Evaluate and update information management repository structures, [standard operating procedures], [and] user guides [] to accommodate this new variant[.]
2. Recommend [information technology] infrastructure upgrades necessary to support data received from test events for storage and analysis[.]
3. Propose process for inclusion of new scaled system into current requirements and [] maintenance management processes/documentation[.]
4. Discuss ship installation scheduling, approach, and test recommendations to control integration and performance risk[.]

Id.

For the workforce factor’s “resumes of key personnel” element, the RFP instructed offerors to provide a resume for the program manager position. RFP at 82. The solicitation informed offerors that, among other qualifications, the agency sought a program manager with “[f]ive [] years of [Department of Defense] contract management experience.” AR, Exh. 2, Labor Qualifications Attachment at 1. As relevant here, under the management capability factor, the solicitation advised offerors to “demonstrate their approach and ability to effectively manage all efforts under this [t]ask [o]rder.” RFP at 84.

On or before the June 29, 2022 solicitation closing date, the agency received two proposals from SDC and RMC, which were evaluated as follows:

	SDC	RMC
Technical Understanding / Capability / Approach	Outstanding	Marginal
Workforce	Outstanding	Acceptable
Management Capability	Acceptable	Good
Past Performance	Substantial Confidence	Satisfactory Confidence
Proposed Cost	\$26,515,990	\$25,091,210

AR, Exh. 4, Source Selection Decision Document (SSDD) at 3-4, 8.

For the technical factor, under the SOW element, the agency identified four strengths, three weaknesses, and two significant weaknesses in RMC’s proposal. Contracting Officer’s Statement at 2. Under the scenarios element, the agency identified no strengths, one weakness and five significant weaknesses. *Id.* In documenting its evaluation, the agency stated that RMC’s proposal was vague and “indicated a lack of comprehension or understanding” of the solicitation requirements. AR, Exh. 4, SSDD

at 6. For the workforce factor, under the resumes of key personnel element, the agency assessed two weaknesses in RMC's proposal. AR, Exh. 3, Source Selection Evaluation Board (SSEB) Report at 31-32. Under the staffing plan/matrix element, the agency identified one strength and one weakness. *Id.* at 32-33. Under the management capability factor, the agency assessed one strength in the protester's proposal. *Id.* at 34.

The agency concluded that SDC's proposal, with its higher ratings under every non-price factor and slightly higher price, represented the best overall value to the government, stating that it "is worth the . . . 6.69 [percent] premium." AR, Exh. 4, SSDD at 10. After the agency notified RMC of the award and provided a debriefing, this protest followed.²

DISCUSSION

RMC challenges various aspects of the agency's evaluation of its proposal, including the ratings of all four non-price factors and every weakness or significant weakness identified in the protester's proposal, except for one significant weakness assessed under the technical factor. *See generally* Protest. The protester also contends that the agency failed to recognize and assess strengths in its proposal. RMC argues that but for these alleged flaws in the evaluation, its proposal would have presented the best value to the government, and RMC "would be the awardee." Protest at 17. We have reviewed all of the protester's arguments and discuss below several representative examples of RMC's assertions, the agency's responses, and our conclusions. Based on our review, we find no basis to sustain the protest.

Technical Evaluation--SOW Element

The protester argues that the agency unreasonably assessed weaknesses in the protester's proposal under the technical factor's SOW element. Specifically, with regard to the first of three weaknesses for this element, the evaluators concluded that the general statements in RMC's proposal failed to demonstrate an understanding or ability to accomplish the required tasks. RMC argues that, contrary to the agency's evaluation findings, its proposal sufficiently demonstrated an understanding of and ability to "track expenditure[s], . . . identify variances, and provide cost projections." Protest at 2 (quoting AR, Exh. 3, SSEB Report at 24). The protester asserts that its proposal drew on RMC's experience to address these areas in detail and further contends that the Navy's identification of a weakness "seemed to focus on the lack of a single word . . . : 'variance.'" Protest at 3. The protester provides several examples to support its argument by quoting language from various parts of its proposal. For example, RMC lists the following: "Team RMC will perform program and financial analysis for [s]ensor

² This procurement is within our jurisdiction to hear protests related to the issuance of orders under multiple-award IDIQ contracts awarded under the authority of title 10 of the United States Code, where the awarded value of the task order at issue exceeds \$25 million. 10 U.S.C. § 3406(f)(1)(B).

[s]ystems using tools, such as Microsoft [] Excel. . . . We will track funding, develop and monitor spending plans, and provide reporting and briefs on program and financial status for [] leadership and stakeholders.” Protest at 3.

The agency responds that it properly assessed a weakness based on the general nature of RMC’s response, which reiterated the solicitation requirements without providing enough detail for the agency to determine whether RMC understood and could carry out those requirements. Memorandum of Law (MOL) at 30. For example, the Navy contends that “[a]lthough Excel is mentioned, no detail as to how [RMC] will use Excel was provided.” *Id.* The agency also argues that its documented evaluation clearly demonstrates that it was the lack of detail in the protester’s proposal, not the failure to use the word “variance,” that justified the weakness. *Id.* at 31.

In reviewing protests challenging the evaluation of proposals in a task order competition, we do not conduct a new evaluation or substitute our judgment for that of the agency but examine the record to determine whether the agency’s judgment was reasonable and in accord with the evaluation criteria. *Booz Allen Hamilton, Inc.; Leidos Inc.*, B-410032.4 *et al.*, Mar. 16, 2015, 2015 CPD ¶ 108 at 5. A protester’s disagreement with an agency’s judgment is not sufficient to establish that an agency acted unreasonably. *American Electronics, Inc.*, B-419659, B-419659.2, May 25, 2021, 2021 CPD ¶ 218 at 4. Further, an offeror bears the burden of submitting an adequately written proposal and runs the risk of an unfavorable evaluation when it fails to do so. *Recon Optical, Inc.*, B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6; see *Microtechnologies, LLC*, B-418700, July 31, 2020, 2020 CPD ¶ 260 at 4.

Here, we find the agency’s explanation for its evaluation reasonable. The solicitation put offerors on notice that merely restating solicitation requirements was insufficient and could lead to a proposal being “deemed unacceptable.” RFP at 81. The record shows that the evaluation was consistent with this standard when the evaluators identified the overly general nature of the protester’s response as a weakness in RMC’s proposal. AR, Exh. 3, SSEB Report at 24. For example, where the RFP specifically required offerors to “track expenditures and expenditure rates, identify variances, and provide cost projections,” the relevant portion of RMC’s proposal restates the requirements noting that “Team RMC will track program expenditures and rates, identify rates and provide cost projections using Excel and deliver charts, line graphs, and PowerPoint briefs with summary information, allowing [agency] leadership to make informed decisions.” RFP at 12; AR, Exh. 8, Technical Proposal at 18. The record reflects that the evaluators found RMC’s response did not address the tracking of variances, as required, and concluded that the general restatements of the requirements in RMC’s proposal did not demonstrate “an understanding or an ability to accomplish” the tasks in the SOW. AR, Exh. 3, SSEB Report at 24. Contrary to the protester’s argument that the agency was focusing solely on the single term “variance,” the record makes clear that the lack of detail in RMC’s proposal was the fundamental basis for the agency’s concern. Ultimately, the protester’s disagreement with the agency does not establish that the Navy’s assessment of a weakness was unreasonable. As such, this protest ground is denied.

Technical Evaluation--Scenarios Element

The protester also argues that the agency unreasonably assigned a significant weakness to the protester's proposal under the technical factor's scenarios element. Specifically, RMC asserts that, contrary to the evaluators' findings, its proposal properly addressed scenario A, which asked offerors to evaluate and update information management repository structures, when it suggested developing a new SharePoint information management site.³ Protest at 8. The protester adds that the scenario asked offerors to make assumptions and contends that one of RMC's assumptions was that the agency's information management repository needs "will require the development of a new stand-alone SharePoint environment." *Id.* at 7; see RFP at 82. RMC asserts that "the evaluation of [s]cenarios . . . was supposed to focus on if a sound approach was provided based on the assumptions made, not if that sound approach reflected [the Navy's] current methods of performing work, or current preferences." Comments at 7.

The agency responds that it reasonably, and consistent with the solicitation, assigned RMC's proposal a significant weakness under scenario A. The Navy asserts that the RFP instructed offerors to "evaluate and update" information repository structures to utilize a hypothetical scaled-down version of a radar, not replace those structures. MOL at 37 (quoting RFP at 82). The agency contends that RMC's assumption (that the agency would require the development of a new information management repository) "is unsupported without an analysis of the existing repository and its capability as required by the scenario." MOL at 37. The Navy adds that evaluators found the protester's approach introduced "data accuracy risks in that now two [i]nformation [m]anagement [s]ystems must be coordinated to keep data synchronized." *Id.* (quoting AR, Exh. 3, SSEB Report at 28).

We find the agency's assessment of a significant weakness to be reasonable. The protester acknowledges that the instructions for scenario A asked offerors to evaluate and update information management repository structures. RFP at 82; Protest at 8. We find reasonable the agency's assertion that the protester ignored these instructions. MOL at 37-38. Instead, the protester proposed the creation of an entirely new information management repository without evaluating or updating the existing repository, as instructed. *Id.* RMC ran the risk of an unfavorable evaluation when it failed to adequately address scenario A in its proposal as instructed by the solicitation. See *Recon Optical, Inc., supra*. The protester's disagreement with the agency's identification of a significant weakness under the scenarios element is insufficient to show the agency acted unreasonably. See *American Electronics, Inc., supra*. This protest ground is denied.

Unstated Evaluation Criteria

³ SharePoint is a Microsoft product that organizations can use to create websites. See support.microsoft.com (last visited Mar. 17, 2023).

The protester also argues that the agency relied on unstated evaluation criteria when it assessed a significant weakness in the protester's proposal under the scenarios element for providing an "incomplete" and "heavily information technology centric [response] lacking in program planning and budgeting." Protest at 10 (quoting AR, Exh. 3, SSEB Report at 30). RMC asserts that its proposal reasonably focused on information technology, given that three of the numbered bullets instructing offerors how to approach scenario A addressed that topic.⁴ Protest at 10. The protester contends that the agency relied on unstated evaluation criteria, as the words "program planning and budgeting" did not exist in the solicitation instructions for scenario A. *Id.*

The agency responds that "[p]rogram planning and budget is inherent throughout the [s]olicitation," arguing that the protester's response displays a lack of understanding as to how program planning and financial analysis were integral to providing a solution to the scenario. MOL at 41. The Navy asserts that program budgeting is logically encompassed within the stated evaluation criteria, especially given that the SOW lists various aspects of "program budget plan development and monitoring" as a specific requirement. *Id.*; RFP at 11-12. The agency notes that the solicitation scenario instructions encouraged offerors "to address other aspects of scenario execution to convey the depth and breadth of their technical understanding and approach." MOL at 41 (quoting RFP at 82).

As a general matter, when evaluating proposals in a task order competition, an agency properly may take into account specific, albeit not expressly identified, matters that are logically encompassed by, or related to, the stated evaluation criteria. *M.A. Mortenson Co.*, B-413714, Dec. 9, 2016, 2016 CPD ¶ 361 at 5. While a solicitation must inform offerors of the basis for proposal evaluation by identifying the evaluation factors and their relative importance, a solicitation need not specifically identify each and every element an agency considers during an evaluation where such elements are intrinsic to, or reasonably subsumed within, the stated evaluation factors. FAR 16.505(b)(1)(iv)(C); *Immersion Consulting, LLC*, B-420638, B-420638.2, June 30, 2022, 2022 CPD ¶ 171 at 7.

We find the agency's assessment of this significant weakness under the scenarios element to be reasonable. The solicitation encouraged offerors to provide a thorough response conveying the depth and breadth of their technical understanding in response to the scenarios, providing a broad list of what this response should, at a minimum

⁴ The relevant portion of RMC's response to the scenario states that the firm's proposed program manager "thoroughly understands all aspects of the [Naval Systems Engineering Resource Center] development environment," in addition to providing "12 years of experience supporting [the Naval Systems Engineering Resource Center] and offer[ing] thorough understanding of information management repository development." AR, Exh. 8, Technical Proposal at 44. The response adds that the proposed program analyst provides "14 years of experience working with [] data management, SharePoint site support, and associated software maintenance and data analysis project." *Id.*

include, such as assumptions, task descriptions, risk, and identification of additional information needed. RFP at 82. The scenario asked offerors to evaluate and update information management repository structures, recommend necessary upgrades to support test data, discuss installation scheduling, and address performance risk. *Id.* In other words, the scenario was a multi-faceted one seeking a thorough and detailed response. Further, the record shows that financial analysis is an important part of the effort at issue. See RFP at 11-12. The RFP's description states that contractor support "is required for operational services such as configuration management, systems administration, *program and financial analysis*, and test support." RFP at 2 (emphasis added). Given the nature of the agency's requirements, we agree with the agency that program planning and financial analysis could reasonably be considered a necessary part of a thorough response to the scenario. See MOL at 41. Thus, it was not unreasonable for the agency to question how a thorough response detailing an offeror's approach to evaluating and upgrading information management systems could fail to consider the cost and budgeting necessary to accomplish those upgrades. Because we agree with the agency that program planning, budgeting, and general financial analysis were logically encompassed by the evaluation criteria and the solicitation instructions for responding to scenario A, this protest ground is denied.

Workforce Factor Evaluation

The protester also argues that with respect to the key personnel resumes element under the workforce factor, the agency unreasonably identified a weakness based on the proposed program manager's lack of experience. Protest at 12. The solicitation advised offerors that it sought a program manager with five years of contract management experience. AR, Exh. 2, Labor Qualifications Attachment at 1. RMC's proposed program manager had two years and five months of experience as a program manager, and three years of experience as a deputy program manager. Protest at 11. The agency's evaluation states that the program manager "is junior and has not demonstrated the ability to maintain and evolve a team for 5 years [as a program manager]," and assigned the weakness on that basis. AR, Exh. 3, SSEB Report at 32. The protester asserts that the solicitation requires five years of Department of Defense contract management experience, not five years of experience as a program manager. Protest at 12. RMC contends that to the extent the agency conflates experience as a program manager with contract management experience, the agency has done so unreasonably. Comments at 11.

The agency responds that the SSEB used the terms "contract management experience" and "experience as a program manager" interchangeably because the solicitation sought a program manager with contract management experience. MOL at 44. The Navy asserts that it identified a weakness because the proposed employee's resume had "minimal discussion" of contract management experience, and for the period when she was working as a deputy program manager, it seemed, "based on the lack of information provided in the resume," that the majority of the work the proposed person performed was related to the business requirements management aspect of her position, not the contract management portion. MOL at 44-45. Ultimately, the

evaluators “assessed the weakness based on the lack of clarity in the resume which reflected less experience than desired.” *Id.* at 45; see AR, Exh. 3, SSEB Report at 32.

Here, we find the agency’s explanation for its evaluation under the workforce factor to be reasonable and consistent with the solicitation. Again, the solicitation’s language required a program manager with “[f]ive [] years of [Department of Defense] contract management experience.” AR, Exh. 2, Labor Qualifications Attachment at 1. The evaluators found that RMC’s proposed program manager did not meet this standard. The agency explains that the basis for specifying experience of 5 years was that it could take several years for a program manager to show an ability to grow and develop a team. Further, the agency argues that the proposed program manager’s resume lacked enough detail for the Navy to determine whether the three years of experience as a deputy program manager included sufficient contract management experience, rather than primarily business management experience. MOL at 44-45.

An offeror bears the burden of submitting an adequately written proposal and runs the risk of an unfavorable evaluation when it fails to do so. *Recon Optical, Inc., supra.* Despite its disagreement with the agency’s judgment, the protester has not shown that the agency unreasonably assigned a weakness to its proposal under the key personnel resumes element. See *American Electronics, Inc., supra.* This protest ground is denied.

Additional Strengths

The protester also contends that the agency should have assessed additional strengths to its proposal under the management capability factor. Specifically, RMC argues that its proposal should have received strengths because it provided that its team is local to the effort at issue and currently provides similar support services, the protester will keep all employees up-to-date on training, and RMC maintains a current workforce with “the resources available to provide [] corporate support necessary to ensure [the agency’s] success.” Protest at 14-15.

The agency responds that “the fact that [RMC’s] employees are local, current, and have the proper capabilities . . . [meets] the requirement, but did not warrant a strength,” citing the contemporaneous evaluation record. MOL at 51. The agency adds that RMC was, in fact, given a strength for its training programs under the management capability factor. *Id.*; AR, Exh. 3, SSEB Report at 34. The Navy asserts that, in the course of writing its agency report, the contracting officer confirmed with the SSEB that evaluators considered these aspects of RMC’s proposal and concluded that they did not “exceed[] specified performance or capability requirements in a way that [would] be advantageous to the [g]overnment.” MOL at 52 (quoting the solicitation’s definition of a strength).

An agency’s judgment that the features identified in a proposal did not significantly exceed the requirements of the RFP, and thus did not warrant the assessment of unique strengths, is a matter within the agency’s discretion and one that we will not disturb where the protester has failed to demonstrate that the evaluation was

unreasonable. *Protection Strategies, Inc.*, B-416635, Nov. 1, 2018, 2019 CPD ¶ 33 at 8 n.4; *Metropolitan Life Ins. Co.*, B-412717, B-412717.2, May 13, 2016, 2016 CPD ¶ 132 at 13. Furthermore, an agency is not required to document all “determinations of adequacy” or explain why a proposal did not receive a strength, weakness, or deficiency for a particular item. *Allied Tech. Grp., Inc.*, B-412434, B-412434.2, Feb. 10, 2016, 2016 CPD ¶ 74 at 13.

Here, other than advancing its own generalized opinions, the protester has failed to explain how having a “local workforce,” keeping employees “up-to-date on training” or maintaining “a current workforce” exceeds any of the government’s objective requirements and thereby warranted strengths. In any event, the record shows that the agency in fact considered the protester’s training when it identified a strength under the management capability factor. AR, Exh. 3, SSEB Report at 34.

Moreover, we note that the agency was not required to document why it did not assess further strengths, and the record shows that the agency documented its assessment that the management capability portion of RMC’s proposal met the solicitation requirements and posed a low-to-moderate risk of unsuccessful performance. *Id.* at 33. In other words, the evaluation record accurately reflects the agency’s contemporaneous evaluation conclusions and that it reasonably assigned a rating of “good” to the protester’s proposal under the management capability factor. See RFP at 96 (defining a “good” proposal as one that “indicates a thorough approach and understanding of the requirements and contains at least one strength, and risk of unsuccessful performance is low to moderate”).⁵

The protest is denied.

Edda Emmanuelli Perez
General Counsel

⁵ The protester also argues that the agency performed a flawed best-value tradeoff evaluation. Protest at 17; Comments at 14. As the protester’s challenge is entirely contingent on its other arguments regarding the Navy’s allegedly unreasonable assessment of weaknesses and significant weaknesses in RMC’s proposal, this protest ground is denied.