



DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Decision

Matter of: Greystones Consulting Group, Inc.

File: B-421607; B-421607.2

Date: July 18, 2023

Lewis P. Rhodes, Esq., Reston Law Group, LLP, for the protester.
Erika L. Whelan-Retta, Esq., Isabelle P. Cutting, Esq., and Christian H. Robertson II, Esq., Department of the Air Force, for the agency.
Kyle E. Gilbertson, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the evaluation of the firm’s proposal as technically unacceptable is denied where the record shows that the evaluation was reasonable and in accordance with the solicitation’s terms, and did not employ unstated evaluation criteria.

DECISION

Greystones Consulting Group, LLC (Greystones), a woman-owned small business of Washington, DC, protests the agency’s decision not to award the firm a contract under request for proposals (RFP) No. FA880623R0001, issued by the United States Space Force for data services support. The protester challenges the agency’s evaluation of its technical proposal.

We deny the protest.

BACKGROUND

The agency issued the RFP on January 17, 2023, in accordance with the commercial items procedures of Federal Acquisition Regulation (FAR) part 12, and the negotiated procurement procedures of part 15. Agency Report (AR), Tab 7, Request for Proposals (RFP) at 155.¹ The solicitation, issued on an unrestricted, full and open competitive

¹ Unless otherwise noted, citations to the record are to the Adobe PDF document page numbers. The agency amended the RFP twice. All citations are to the final version of the RFP found at AR, Tab 7.

basis, sought to acquire data services support. *Id.* at 1, 144. Specifically, the agency requested proposals to provide a commercial solution with capabilities supporting an integrated Data-as-a-Service platform in support of Space Command and Control operations. *Id.* at 131. The solicitation required the contractor to assist in the aggregation of data by providing enterprise data storage and data management solutions capable of operating in secure environments, and providing data products and advanced analytics to the broader space community. *Id.* The RFP contemplated awarding multiple indefinite-delivery, indefinite-quantity (IDIQ) contracts with 5-year ordering periods. *Id.* at 144, 175.

The agency intended to make an award “to each qualifying Offeror,” explaining that while it anticipated making 20 awards, the agency reserved the right to make more or less than the projected number of awards. *Id.* at 159. The solicitation provided that award would be based on two evaluation factors: (1) commercial software solution, and (2) technical approach. *Id.* at 158-59. The RFP established a “gated approach,” wherein the commercial software solution factor would be initially evaluated on an acceptable/unacceptable basis. *Id.* at 145, 158. Offers that did not receive a rating of acceptable under the commercial software solution factor would not proceed and be evaluated under the technical approach factor--similarly, on an acceptable/unacceptable basis. *Id.* at 158-59. Only offerors with an acceptable rating under the technical approach factor would be eligible for award. *Id.* at 159. Price was not a consideration for the award of the IDIQ contract; instead, the agency would “evaluate price at the delivery order level.” Contracting Officer’s Statement (COS) at 5-6; AR, Tab 8, Questions & Answers (Q&A) at 9.

Thirty-four offerors submitted proposals in response to the solicitation. AR, Tab 12, Source Selection Decision Document (SSDD) at 2. After evaluating proposals, the agency decided to make award to 18 qualifying offerors. *Id.* at 2, 9. On March 24, 2023, the agency informed Greystones that it had not been selected for award. AR, Tab 13, Notice to Unsuccessful Offeror at 1. Greystones thereafter requested and received a debriefing. AR, Tab 16, Post-Award Debriefing at 1-4. In the debriefing, the agency informed Greystones that its proposal had been evaluated as unacceptable under the technical approach factor, thereby rendering it ineligible for award. *Id.* at 1. This protest followed on April 10.

DISCUSSION

The protester challenges the agency’s evaluation of its proposal as unacceptable. Protest at 5-8. In the protester’s view, not only does its proposed solution satisfy all of the solicitation’s requirements, but the agency applied unstated evaluation criteria in its technical evaluation. *Id.* The protester contends, had the agency performed a proper evaluation, Greystones’s proposal would have been determined to be acceptable, and the firm would have received an award. *Id.* at 8. We have considered the arguments raised by Greystones, and while we do not address them all, we find no basis on which to sustain the protest.

Technical Approach

Greystones alleges the agency's evaluation of its technical approach was flawed and unreasonable. Protest at 5-7. The agency responds that its evaluation of Greystones's proposal was reasonable and in accordance with the solicitation's evaluation criteria. COS at 11-15; Memorandum of Law (MOL) at 5-10.

The evaluation of an offeror's proposal is a matter within the agency's discretion. *CASS Prof'l Servs. Corp.*, B-415941, B-415941.2, Apr. 27, 2018, 2018 CPD ¶ 163 at 6. In reviewing protests of an agency's evaluation of an offeror's technical proposal, our Office does not reevaluate proposals; rather, we review the evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. *Team People LLC*, B-414434, B-414434.2, June 14, 2017, 2017 CPD ¶ 190 at 5. A protester's disagreement with the agency's evaluation, without more, is not sufficient to render the evaluation unreasonable. *Glacier Tech. Solutions, LLC*, B-412990.3, Mar. 15, 2017, 2017 CPD ¶ 91 at 7.

Under the technical approach factor, the solicitation required an offeror to document the capabilities of its proposed commercial software solution to meet the data ingest, store, and share requirements stated in section 3.1.1 (data connection & ingestion) of the statement of work (SOW). RFP at 152. Section 3.1.1 of the SOW required the contractor to "[p]rovide a single, integrated platform that is able to ingest, store, synchronize, search, share, transfer, analyze, and visualize large datasets from a variety of internal and external sources, including structured, unstructured, and semi-structured datasets from a variety of network-based, file-based, and message-based interfaces." *Id.* at 134. The solicitation directed offerors to "provide a detailed technical explanation" of how its solution would ensure that the three capabilities listed in section 3.1.1 (ingest, store, and share) were satisfied. *Id.* at 152. The agency would evaluate proposals to determine if the proposed solution "demonstrates the ability to acceptably meet the criteria (*i.e.*, ingest, store, and share)."² *Id.* at 159. Here, the agency found Greystones's proposal failed to satisfy the requirements of section 3.1.1. AR, Tab 11, Evaluation Report at 3-5.

Single Integrated Platform

First, the agency was concerned that Greystones had not proposed a single integrated platform solution. The protester proposed the use of its proprietary Greystones

² During Q&A, the agency clarified the relative importance of section 3.1.1, stating that the section was necessary to "meet the minimum requirement for establishing the IDIQ." AR, Tab 8, Q&A at 5. While that section describes various other data functions, the RFP's instructions only asked an offeror to provide a "detailed technical explanation" of how its solution would satisfy three of those capabilities: ingest, store, and share. RFP at 152; AR, Tab 8, Q&A at 25 ("[T]he Government only intends to evaluate the three capabilities identified for the IDIQ.").

analytics platform (GAP), asserting that “there is not a single tool that does everything, therefore providing a suite of tooling with unified policies and security allows end-users to pick the best tool for the job.” AR, Tab 9, Greystones Proposal at 15. Greystones explains that its GAP solution “provides a suite of tooling to visualize your data and metrics,” adding that the firm envisioned a phased rollout “before the platform is rolled out to all users.” *Id.* at 21.

Based on the description of the GAP platform, the source selection evaluation board (SSEB) determined that Greystones had failed to demonstrate how its proposed solution satisfied the solicitation’s requirement for a single, integrated platform. AR, Tab 11, Evaluation Report at 3. While acknowledging that Greystones’s GAP solution “named a suite of tools that are used to meet some of the capabilities individually,” the SSEB found that Greystones had “failed to demonstrate how the proposed solution would utilize custom software that will integrate the listed suite of tools into a single user experience.” *Id.*

Greystones contends that its proposed GAP solution is, in fact, a single, integrated platform that satisfies the solicitation’s requirements.³ Protest at 5. In support of this, Greystones points to various statements in its proposal that generally describe the GAP solution using terms such as “core services” and “unified platform.” *Id.* at 6; Comments & Supp. Protest at 7-9.

Here, the RFP explicitly required offerors to provide a “single, integrated platform” that was able to store and share large datasets. RFP at 134. The protester’s proposal claimed that its GAP solution was “not a single tool that does everything,” thereby causing the agency to question whether the solution was a suite of multiple disparate tools instead of the required single integrated platform. AR, Tab 9, Greystones Proposal at 15. It is an offeror’s responsibility to submit a well-written proposal that clearly demonstrates compliance with the solicitation requirements, and where a

³ The protester also argues that the agency “determined that GAP is a single integrated solution” when it assessed Greystones a rating of acceptable under the commercial software solution evaluation factor. Protest at 5. We disagree. Under the commercial software solution factor, the RFP required offerors to submit a questionnaire that asked, among other things, whether the offeror’s proposed commercial product was a “single integrated solution.” RFP at 161. This initial evaluation “gate” required offerors to provide their “certification of availability of a commercial software that can sufficiently support requirements outlined in the Statement of Work.” *Id.* at 152. Under the technical approach factor, the agency then required offerors to provide a “detailed technical explanation” of their solutions, which the agency would evaluate to “determine if the proposed solution demonstrates the ability to acceptably meet the criteria (i.e., ingest, store, and share) per SOW Section 3.1.1.” *Id.* at 152, 159. The protester’s argument conflates an offeror’s self-certification that it would provide a single integrated solution with the government’s subsequent technical evaluation into whether an offeror did indeed propose such a solution.

proposal fails to do so, the offeror runs the risk that its proposal will be rejected, as was done here. *CACI Techs., Inc.*, B-296946, Oct. 27, 2005, 2005 CPD ¶ 198 at 5. As such, we find unobjectionable the agency's assessment that Greystones's continued emphasis on its "suite of tools" solution failed to sufficiently explain how the firm's GAP solution was a single, integrated platform.

Data Storage

Second, the agency determined that Greystones failed to satisfy the RFP's data storage requirements. Greystones's proposal explained that it offered a "modular approach to data storage, allowing the end-users to use proprietary, open source, and managed data sources, depending upon the data sources, analytic requirements and user preference." AR, Tab 9, Greystones Proposal at 17. Greystones also proposed the use of "secure configurations and connectors" for all major open source and enterprise proprietary data storage technologies. *Id.* In light of these statements, the SSEB concluded that while Greystones proposed a modular data storage approach, including the use of "multiple database connectors," the firm "failed to provide adequate explanation on how it would store data inside of a single integrated platform solution." AR, Tab 11, Evaluation Report at 4.

Here, we find unobjectionable the agency's assessment that Greystones's proposal failed to adequately explain how the firm would store data in a single, integrated platform, where Greystones's proposal spoke to a "modular approach to data storage," with multiple database "connectors." AR, Tab 9, Greystones Proposal at 17. Although Greystones argues that the agency has taken some individual statements out of context, our review of the record finds nothing unreasonable with the agency's concerns that Greystones failed to sufficiently explain how it would store data in the requisite single, integrated platform. Comments & Supp. Protest at 10.

Data Sharing

Third, the evaluators found that Greystones's proposal failed to meet the RFP's data sharing requirements. According to the agency, Greystones's proposal did not "describe the proposed solution[']s data sharing capabilities," and, instead, described "other open-source data sharing tools." COS at 15. Consequently, the SSEB concluded that the proposal failed to address the "methods, tools and capabilities for sharing native to the proposed single integrated solution." AR, Tab 11, Evaluation Report at 4.

The protester contends the description of data sharing in its proposal "could not be more clear." Protest at 6. Our review of the record, however, reveals that Greystones only generally discussed data sharing, and restated the solicitation's data sharing requirements without discussing the technical specifics of how its proposed GAP solution would satisfy those requirements. AR, Tab 9, Greystones Proposal at 19. For example, instead of describing the sharing capabilities of its GAP platform, the proposal

instead described various “data sharing methodologies” and acknowledged that “[i]mplementing data sharing at scale requires careful planning.” *Id.*

Further, when addressing the RFP’s data sharing requirements, Greystones’s proposal simply stated it would “ensure 100 [percent] of the requirements are met.” *Id.* Our Office has stated that blanket statements of compliance do not establish technical acceptability where the solicitation’s terms require a level of detail beyond simple acknowledgement of the solicitation’s requirements or certification that an offeror will meet them. *Point Blank Enters., Inc.--Recon.*, B-411897.5, Mar. 22, 2016, 2016 CPD ¶ 94 at 9. Here, the RFP explicitly cautioned offerors against this approach, stating “[t]he proposal should not simply rephrase or restate the Government’s requirements, but rather shall provide convincing rationale to address how the offeror intends to meet these requirements.” RFP at 151. As such, we find no merit to Greystones’s argument here.

As our decisions have noted, clearly stated RFP technical requirements are considered material to the needs of the government, and a proposal that fails to conform to such material terms is technically unacceptable and may not form the basis for award. *Alltech Eng’g Corp.*, B-414002.2, Feb. 6, 2017, 2017 CPD ¶ 49 at 5. Here, our review of the record finds reasonable the agency’s conclusion that Greystones’s proposal was unacceptable under the technical approach factor, because its proposed solution failed to demonstrate a “single, integrated platform” with the ability to sufficiently store and share data. The protester’s arguments to the contrary only reflect its disagreement with the agency’s evaluations, which, without more, provides no basis to question the reasonableness of the agency’s judgments. *Mike Kesler Enters.*, B-401633, Oct. 23, 2009, 2009 CPD ¶ 205 at 3-5.

Unstated Evaluation Criteria

In addition, the protester alleges that the agency’s technical evaluation applied an unstated evaluation criterion by unreasonably focusing on the concept of a “single integrated platform solution,” as opposed to the capabilities of data ingest, store, and share. Comments & Supp. Protest at 2-3. In this regard, Greystones claims that the agency’s evaluation created and utilized a definition of “single integrated platform solution” that was not disclosed to offerors. Specifically, the protester takes issue with the agency defining a single integrated platform as including a “single user experience.” *Id.* at 3. The agency responds that its consideration of single user experience was logically encompassed within single integrated platform “because any gaps, seams or simple connections would present a disconnected and disjointed experience.” COS at 18.

Although agencies are required to identify in a solicitation all major evaluation factors, they are not required to specifically identify each and every element an agency considers during an evaluation. FAR 15-304(d). Rather, as a general matter, 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. *Peraton, Inc.*, B-417088, B-417088.2, Feb. 6, 2019, 2019 CPD ¶ 190 at 14.

As discussed above, the RFP advised offerors that the agency would evaluate whether an offeror's "proposed solution demonstrates the ability to acceptably meet the criteria" of section 3.1.1 of the SOW. RFP at 159. In turn, section 3.1.1 required the contractor to "[p]rovide a single, integrated platform" that was able to sufficiently ingest, store, and share large datasets from a variety of internal and external sources. *Id.* at 134. Here, inasmuch as the agency was evaluating offerors' understanding of the SOW's section 3.1.1 requirements--and those requirements included a single, integrated platform--the agency's consideration of such, as part of the technical approach factor, was logically encompassed in the stated evaluation criterion.⁴ *Trailboss Enters., Inc.*, B-419209, Dec. 23, 2020, 2020 CPD ¶ 414 at 6. As such, we find no merit to this allegation.

The protest is denied.

Edda Emmanuelli Perez
General Counsel

⁴ Greystones's comments to the agency report raised two supplemental protest grounds, which the agency argued should be dismissed as untimely. Req. for Dismissal at 5-7. We agree. First, the protester alleges that the solicitation contained a latent ambiguity related to the "single integrated platform" requirement. Comments & Supp. Protest at 11-12. Our Bid Protest Regulations do not contemplate the piecemeal presentation or development of protest issues through later submissions citing examples or providing alternate or more specific legal arguments. *Metasoft, LLC--Recon.*, B-402800.2, Feb. 17, 2011, 2011 CPD ¶ 47 at 3. We will consequently dismiss a protester's piecemeal presentation of arguments that could have been raised earlier in the protest process. *Id.* Here, Greystones's supplemental protest alleges that if the single integrated platform requirement is not an unstated evaluation criterion, as raised in its initial protest, "then it must be a latent ambiguity." Comments & Supp. Protest at 12. Because the protester's argument is based on facts that were available at the time Greystones filed its initial protest, we find this alternative argument to be untimely raised, and it is dismissed.

Second, the protester contends it was subject to disparate treatment because it is a small business proposing a proprietary software, while other companies proposed large "name brand" software. *Id.* Our regulations require that a protest not based upon alleged improprieties in a solicitation must be filed no later than 10 days after the protester knew or should have known of the basis for protest. 4 C.F.R. § 21.2(a)(2). Here, the agency provided Greystones with a copy of the SSDD as part of its debriefing, including an unredacted portion related to offerors proposing "name brand" software that serves as the basis for this disparate treatment allegation. Protest, exh. 3 at 5; AR, Tab 12, SSDD at 5. Accordingly, the protester's argument, raised for the first time in its comments, is untimely. *NOVA Dine, LLC*, B-420454, B-420454.2, Apr. 15, 2022, 2022 CPD ¶ 101 at 5-6 n.3.