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Decision

Matter of: Two Knights Defense, LLC

File: B-421053.2

Date: April 30, 2024

Benjamin R. Little, Esq., Dentons Sirote PC, for the protester.

Jon D. Levin, Esq., Maynard Nexsen, PC, for Five Stones Research Corporation, the intervenor.

Captain Natalie W. McKiernan, Captain Blaine L. Hutchison, and Brian Chapuran, Esq., Missile Defense Agency, for the agency.

Michelle Litteken, Esq., Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest of the assessment of a deficiency to the protester's mission capability proposal is denied where the evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

Two Knights Defense, LLC, a small business of Huntsville, Alabama,¹ protests the award of a contract to Five Stones Research Corporation, a small business of Huntsville, Alabama, under request for proposals (RFP) No. HQ0858-22-R-0002, issued by the Missile Defense Agency (MDA) for information management and information technology (IT) resource management support. The protester challenges the agency's evaluation of its proposal under the mission capability and past performance factors, as well as the best-value tradeoff decision.

We deny the protest.

¹ Two Knights is a joint venture comprised of System High Corporation and Cintel, Inc. Protest at 2.

BACKGROUND

On December 28, 2021, the MDA issued the solicitation as a small business set-aside, seeking proposals for a contract referred to by the agency as the Technical, Engineering, Advisory, and Management Support Next Information Technology and Cybersecurity Management (TEAMS-Next ITCM) contract.² Contracting Officer's Statement (COS) at 1. The scope of work for the TEAMS-Next ITCM contract includes providing information management and IT resource management support to the MDA in the following areas: defensive cyberspace operations, cyberspace mission support, network operations, architecture and engineering, and IT services. *Id.* The solicitation anticipated the award of a contract with a 5-year period of performance. COS at 1.

The solicitation established award would be made on a best-value tradeoff basis considering the following factors: information management control plan, organizational conflict of interest management plan, past performance, mission capability, and cost/price.³ AR, Tab 3ze, RFP § M at 4-5. The past performance factor was more important than the mission capability factor, and when combined, the non-cost/price factors were significantly more important than total evaluated price. *Id.* at 5. The RFP stated that award might be made to a higher-rated and higher-priced proposal if the source selection authority determined the mission capability or past performance of the proposal outweighed the price differential. *Id.*

The mission capability factor consisted of the following subfactors: cyberspace mission support activities; network operations support; architecture and engineering across IT functional areas; and human capital management. RFP § M at 5. The cyberspace mission support activities and network operations support subfactors were of equal importance and were more important than the other two subfactors. *Id.*

For the mission capability factor, the solicitation provided that the agency would assign each subfactor a combined technical/risk rating. RFP § M at 7-8. As relevant here, the solicitation defined an unacceptable technical rating as follows: "Proposal does not meet requirements of the solicitation, and thus, contains one or more deficiencies, and/or risk of unsuccessful performance is unacceptable. Proposal is unawardable." *Id.* at 7. As also relevant here, the solicitation defined a deficiency as "A material failure

² The agency issued five amendments to the solicitation. See COS at 4. The agency provided the final version of the evaluation criteria with amendment 3, issued on February 7, 2022 (submitted as agency report tab 4b), and the final version of the instructions with amendment 4, issued on February 14 (submitted as agency report tab 3ze), 2022. See Agency Report (AR), Tab 28, Proposal Analysis Report (PAR) at 4-5. The final versions of the instructions and evaluation criteria are cited herein as section L and section M, respectively.

³ The information management and control plan, organizational conflict of interest management plan, and facility clearance factors would be evaluated on an acceptable/unacceptable basis. RFP § M at 5.

of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.” *Id.* Of note, the solicitation advised offerors that the proposal content for each mission capability subfactor should be written on a stand-alone basis so that the contents may be evaluated without cross-referencing sections of the proposal pertaining to other subfactors. AR, Tab 4b, RFP § L at 15.

The network operations support mission capability subfactor is pertinent here. For that subfactor, the solicitation provided the agency would evaluate the offeror’s approach to, and understanding of, oversight and governance of network operations support to accomplish four mission tasks. RFP § M at 9. As relevant, the solicitation described the first mission task as follows: “Providing assistance and oversight management of a complex and geographically dispersed IT environment operating at various classification levels that includes multiple networks and hybrid cloud computing environments.” *Id.* at 9.

As also relevant here, for the past performance factor, the solicitation stated the agency would consider the offeror’s “recent and relevant record of performance, and quality of performance, in supplying services that meet the contract’s requirements.” RFP § M at 13. The RFP provided that the MDA would assess the recency, relevancy, and quality of past performance information and assign an overall performance confidence assessment rating at the factor level, using one of the following adjectival ratings: substantial confidence, satisfactory confidence, neutral confidence, limited confidence, no confidence.⁴ *Id.* at 13, 15-16. With respect to relevancy, the RFP stated: “Relevancy as it pertains to past performance information is a measure of the extent of similarity between the service/support effort, complexity, dollar value, contract type, and subcontractor(s).” *Id.* at 13. The solicitation also stated the agency would focus on the following tasks in assessing relevancy: architecture and system engineering; network operations support; cyberspace mission support; and management.⁵ *Id.* at 14.

The MDA received proposals from seven offerors, including Two Knights and Five Stones, on or before the February 23, 2022, solicitation closing date. COS at 2. The agency selected Five Stones’s proposal for award, and Two Knights filed a protest with our Office, challenging the agency’s evaluation of Two Knights’s proposal with regard to

⁴ The RFP defined the satisfactory confidence rating as follows: “Based on the Offeror’s recent/relevant performance record, the Government has a reasonable expectation that the Offeror will successfully perform the required effort.” RFP § M at 16. The solicitation provided the following definition for the substantial confidence rating: “Based on the Offeror’s recent/relevant performance record, the Government has a high expectation that the Offeror will successfully perform the required effort.” *Id.* at 15.

⁵ The solicitation provided that the agency would assess the relevancy of the offeror’s past contracts using the following adjectival ratings: very relevant, relevant, somewhat relevant, and not relevant. RFP § M at 14.

past performance, cost/price, and mission capability. *Two Knights Defense, LLC*, B-421053, Dec. 16, 2022, 2023 CPD ¶ 4. Our Office denied the protest. *Id.*

Following our decision, the protester filed a protest with the U.S. Court of Federal Claims (COFC), raising five protest grounds, including two grounds that had not been presented to our Office. COS at 3. The MDA elected to take voluntary corrective action by establishing a competitive range, conducting discussions, soliciting final proposal revisions, evaluating revised proposals, and making a new award decision. *Id.* The COFC dismissed Two Knight’s protest. *Id.*

After the voluntary corrective action, the MDA established a competitive range, including the proposals submitted by the protester and Five Stones. COS at 3. The MDA conducted discussions, requested final proposal revisions, and evaluated revised proposals. Two Knights’s and Five Stones’s proposals were evaluated as follows:

	Two Knights	Five Stones
Information Management Control Plan	Acceptable	Acceptable
Organizational Conflict of Interest Management Plan	Acceptable	Acceptable
Facility Clearance	Acceptable	Acceptable
Mission Capability		
Cyberspace Mission Support Activities	Outstanding/Low Risk	Outstanding/Low Risk
Network Operations Support	Unacceptable/ Unacceptable Risk	Good/Low Risk
Architecture and Engineering	Acceptable/Low Risk	Acceptable/Low Risk
Human Capital Management	Outstanding/Low Risk	Outstanding/Low Risk
Past Performance	Satisfactory Confidence	Substantial Confidence
Proposed Cost/Price	\$237,754,732	\$263,408,408
Total Evaluated Price	\$237,754,732	\$263,408,408

AR, Tab 28, Proposal Analysis Report (PAR) at 207.

In evaluating Two Knights’s proposal under the network operations support subfactor, the agency assessed one deficiency and one strength. AR, Tab 28, PAR at 147. The agency explained the basis for the deficiency as follows:

[Two Knights] fails to propose specific language with regard to hybrid cloud infrastructure and lacks proposing any specific detail to a hybrid cloud solution. Based on the language in the proposal, the only reference to cloud infrastructure mentioned is their yet-to-go live implementation of [DELETED], and a discussion of cloud providers. These elements do not

show an understanding of MDA hybrid cloud requirements. [Two Knights] does not propose anything related to MDA hybrid cloud in the proposal.

Id. at 148. The evaluators found Two Knight's failure to address managing or supporting hybrid cloud infrastructure--as required by the RFP--increased the risk of contract performance to an unacceptable level. *Id.*

In evaluating past performance, the agency considered the past performance contracts submitted by the offeror, as well as past performance questionnaires and data obtained from the contract performance assessment rating system. AR, Tab 28, PAR at 177. Consistent with the solicitation's statement that in assessing relevancy, the agency would focus on four specified tasks (architecture and system engineering; network operations support; cyberspace mission support; and management), the MDA assessed the extent to which the offeror's past performance contracts involved those tasks and assigned a relevancy rating for each task area. *Id.* at 178-194. For example, if an offeror identified seven prior contracts for evaluation, the agency made a total of 28 past performance relevancy assessments (four tasks in each of the seven contracts). *Id.* at 176. The agency also considered the dollar value and contract type of the prior contracts. *Id.*

By way of example, one of the prior contracts that Two Knights submitted was called the [DELETED] contract. AR, Tab 28, PAR at 183. The evaluators reviewed the description of the [DELETED] contract in the protester's proposal and found that it was relevant with respect to architecture and system engineering, somewhat relevant for network operations support, very relevant for cyberspace mission support, and very relevant for management.⁶ *Id.* at 176.

The evaluators found that for three of the task areas that were the focus of the relevancy assessment, Two Knights submitted at least one prior contract that was rated as very relevant. AR, Tab 28, PAR at 197. However, none of the protester's prior contracts were rated as very relevant for the network operations support task area, and the highest rating any of the protester's contracts received for the task area was somewhat relevant. *Id.* The evaluators noted that the joint venture members of Two Knights had limited experience with this task area and found there was a low expectation that Two Knights would successfully perform all network operations support

⁶ As an example of the relevancy assessment, for the network operations support task area, the evaluators rated the [DELETED] contract somewhat relevant because the description did not demonstrate that the contract involved providing "oversight management of a complex and geographically dispersed IT environment operating at various classification levels." AR, Tab 28, PAR at 183. The evaluators found that the contract represented some of the scope and magnitude necessary to perform network operations support. *Id.*

requirements.⁷ *Id.* at 198. Based on Two Knights's performance record, the agency assigned the protester's proposal a rating of satisfactory confidence under the past performance factor. *Id.*

The source selection advisory council (SSAC) reviewed the evaluation findings, prepared a comparative analysis of the offerors' proposals under each of the evaluation factors, and recommended that Five Stones's proposal be selected for award. AR, Tab 28, PAR at 207-15. The SSAC observed that Five Stones's proposal received the highest rating under the past performance factor (the most important factor), and it also received higher ratings under the most important mission capability subfactors. *Id.* at 215. The SSAC noted that Two Knights's proposal was rated as unacceptable under the network operations support subfactor and was therefore ineligible for award.⁸ *Id.* at 214.

The source selection authority reviewed the evaluation briefing, PAR, and the cost evaluation report, and the source selection authority agreed with and adopted the SSAC's best-value recommendation as their own. AR, Tab 29, SSD at 6.

On January 8, 2024, Two Knights was notified that Five Stones's proposal had been selected for award. COS at 4. This protest followed.

DISCUSSION

Two Knights challenges the agency's evaluation of its proposal under the mission capability factor and the past performance factor, as well as the resulting best-value award decision. As discussed below, we find no basis to sustain any of the protester's allegations.⁹

⁷ Two Knights submitted seven past performance contracts, four which had been performed by the joint venture members, and three of which were performed by subcontractors. AR, Tab 28, PAR at 176. Of the three contracts that were rated somewhat relevant for network operations support, one was performed by a joint venture member, and the other two were performed by subcontractors. *Id.*; *see also id.* at 198.

⁸ In the PAR, the SSAC stated that even if Two Knights's proposal had not received a deficiency, Five Stones's proposal would nonetheless represent the best value because its superior past performance and recognized advantages under two of the mission capability subfactors would warrant paying a 10.8 percent price premium. AR, Tab 28, PAR at 215. The source selection authority concurred with this assessment. AR, Tab 29, Source Selection Decision (SSD) at 6.

⁹ In its various protest submissions, Two Knights has raised arguments that are in addition to, or variations of, those specifically discussed below. While we do not specifically address all the protester's allegations, we have considered all of them and find that they afford no basis on which to sustain the protest.

Mission Capability

The protester challenges the agency's evaluation of its mission capability proposal. Specifically, Two Knights contends that in assessing a deficiency under the network operations support subfactor for failing to address hybrid cloud infrastructure or propose specific details concerning a hybrid cloud solution, the MDA applied unstated evaluation criteria and ignored information in Two Knights's proposal. Protest at 15.

The MDA responds that the solicitation expressly required offerors to propose an approach to accomplish the task of providing assistance to and management of an IT environment that includes hybrid cloud computing environments. Memorandum of Law (MOL) at 12 (*quoting* AR, Tab 4b, RFP § L at 21 and RFP § M at 9). The agency also states the evaluators did not ignore information in the protester's proposal. The MDA asserts Two Knights did not address hybrid cloud computing environments in the pertinent section of its proposal. *Id.* at 16-17.

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. Rather, we will review the record to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. *AECOM Mgmt. Servs., Inc.*, B-417639.2, B-417639.3, Sept. 16, 2019, 2019 CPD ¶ 322 at 9. While agencies are not permitted to use unstated evaluation factors in evaluating proposals, an agency properly may take into account specific matters that are logically encompassed by, or related to, the stated evaluation criteria, even when they are not expressly identified as evaluation criteria. *Perspecta Enter. Sols., LLC*, B-416377.6, B-416377.7, April 2, 2020, 2020 CPD ¶ 136 at 6. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Vertex Aerospace, LLC*, B-417065, B-417065.2, Feb. 5, 2019, 2019 CPD ¶ 75 at 8. Further, it is an offeror's responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. *A-P-T Research, Inc.*, B-419459, March 12, 2021, 2021 CPD ¶ 151 at 8.

We have reviewed the record and find no basis to object to the agency's evaluation of the protester's proposal under the network operations support subfactor. As noted above, the RFP provided:

The Government will evaluate the Offeror's approach to, and understanding of oversight and governance of Network Operations Support, to *accomplish* the following mission tasks:

[Mission Capability Subfactor 2] Element [No.]1: Providing assistance and oversight management of a complex and geographically dispersed IT environment operating at various classification levels that includes multiple networks and *hybrid cloud computing environments*.

RFP § M at 9 (emphasis added). The MDA assessed a deficiency after finding Two Knights's proposal did not address hybrid cloud infrastructure or provide specific detail concerning a hybrid cloud solution. AR, Tab 28, PAR at 148. The protester complains the agency's assessment of a deficiency was unreasonable because "the Evaluation Criteria did not indicate the Agency would evaluate whether an offeror proposed how to 'accomplish' a 'hybrid cloud computing environment.'" Comments at 4. We disagree. The protester's interpretation is contrary to the express terms of the solicitation. The solicitation provided that the agency would assess the offeror's approach to accomplish the task of supporting an IT system that included hybrid cloud computing environments. RFP § M at 9. As such, the agency did not apply unstated evaluation criteria when it assessed a deficiency for Two Knights's failure to "propose anything related to MDA hybrid cloud in the proposal." AR, Tab 28, PAR at 148.

We also reject Two Knights's argument that the agency ignored information in the protester's proposal concerning its approach to the hybrid cloud computing environment. To support this argument, the protester points to language in its proposal broadly discussing the MDA's "complex and geographically dispersed IT environment" and asserts this nonspecific language necessarily includes hybrid cloud computing environments.¹⁰ Protest at 17-18, Comments at 12-13. Two Knights's proposal discusses other aspects of the MDA's IT environment in detail, but it does not contain any discussion of the MDA's hybrid cloud computing environment or the protester's approach to providing oversight and governance of that environment. AR, Tab 21a, Two Knights Proposal at III.2-3 to III.2-6. The only discussion of a cloud computing environment in the relevant section of the protester's proposal is a cursory reference to the protester's [DELETED]. *Id.* at III.2-6. Given that the protester's proposal did not address its approach to provide oversight and governance of the agency's hybrid cloud computing environment--as opposed to the agency's broader IT environment--the evaluators reasonably found the protester's proposal lacked the needed detail concerning Two Knights's approach to the hybrid cloud computing environment. COS at 7. As stated above, an offeror is responsible for submitting a well-written proposal, with adequately detailed information. *A-P-T Research, Inc.*, B-419459, March 12, 2021, 2021 CPD ¶ 151 at 8. Here, Two Knights failed to do so. To the extent the protester disagrees with the agency's evaluation, such disagreement, without more, fails to establish that the evaluation was unreasonable. This protest ground is denied.

Remaining Challenges

As noted above, the protester also challenges the agency's past performance evaluation and the best-value tradeoff decision. Because we conclude that the MDA

¹⁰ The protester also relies on information from other sections of its proposal. Protest at 19-20. We find this argument unavailing because, as the agency points out, the solicitation required the offeror's response for each mission capability subfactor to be written on a stand-alone basis without cross-referencing other proposal sections. MOL at 19; RFP § L at 15.

reasonably found the protester's proposal ineligible for award, we need not address these allegations, as Two Knights is not an interested party to challenge the past performance evaluation or the tradeoff decision.

Under our Bid Protest Regulations, only interested parties may protest an award decision. 4 C.F.R. § 21.1(a). That is, a protester must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. 4 C.F.R. § 21.0(a)(1). A protester is not an interested party where it would not be in line for an award if its protest were sustained. *G-W Mgmt. Servs., LLC*, B-421886, B-421886.2, Nov. 8, 2023, 2023 CPD ¶ 255 at 7.

As discussed above, the agency reasonably assessed a deficiency to the protester's proposal under the network operations support subfactor. Therefore, consistent with the terms of the solicitation, the MDA deemed Two Knights's proposal to be unawardable. RFP § M at 7; AR, Tab 28, PAR at 147. As such, the protester cannot establish that it is an actual or prospective bidder or offeror whose direct economic interest would be affected by the agency's past performance evaluation or the best-value tradeoff decision because its proposal is ineligible for award. *J&J Worldwide Servs.*, B-418148.3, June 30, 2020, 2020 CPD ¶ 312 at 7.

The protest is denied.

Edda Emmanuelli Perez
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