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Decision

Matter of: SysCom Inc.

File: B-423334

Date: May 19, 2025

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DIGEST

Protest that agency unreasonably evaluated protester's technical proposal as unacceptable is denied where protester failed to provide information required by the solicitation.

DECISION

SysCom, Inc., of Colorado Springs, Colorado, protests the rejection of the proposal it submitted in response to request for proposals (RFP) No. FA481924R0009, issued by the Department of the Air Force for support services for multiple Air Force bases. SysCom asserts that the agency unreasonably evaluated its proposal.

We deny the protest.

BACKGROUND

The Air Force issued the solicitation on September 20, 2024, pursuant to Federal Acquisition Regulation (FAR) parts 12 and 15 as a competitive 8(a) set-aside.¹ The solicitation provided for the award of a fixed-price contract for support services for

¹ Section 8(a) of the Small Business Act authorizes the Small Business Administration (SBA) to contract with other government agencies and to arrange for the performance of those contracts via subcontracts awarded to socially and economically disadvantaged small business concerns. 15 U.S.C. § 637(a).

multiple Air Force locations for a base year, four 1-year option periods, and one 6-month extension period. The solicitation provided for award on a best-value tradeoff basis, considering the following three evaluation factors: technical, past performance, and price. Agency Report (AR), Tab 3, RFP at 66. The technical evaluation factor consisted of four subfactors: staffing plan; security clearances; mission essential services plan; and quality control plan. Each subfactor included multiple elements that offerors were required to address. The staffing plan subfactor was composed of four elements, including, as relevant here:

(d) a description of how the offeror intends to maintain uninterrupted service during the absence of personnel due to sickness, vacations, or other sustained leave to ensure no degradation to continued services.

AR, Tab 23, RFP, amend. 2, Evaluation Factors at 4.

The RFP explained the evaluation and award selection process as follows. First, the agency would perform a compliance check to ensure that the proposal complied with all solicitation instructions. *Id.* at 8. Second, the agency would rank all compliant proposals in order of price. *Id.* Third, starting with the lowest-priced proposal, the agency would evaluate the technical proposals under the technical factor on an acceptable/unacceptable basis, until two or more quotations were found to be technically acceptable. *Id.* A proposal that was evaluated as unacceptable under any element of a subfactor was rated as unacceptable for that subfactor. A proposal that was rated unacceptable under any technical subfactor was rated unacceptable under the technical factor. *Id.* Fourth, the agency would evaluate the technically acceptable proposals under the past performance factor until at least one proposal was rated substantial confidence for past performance or until all technically acceptable proposals were evaluated for past performance.² *Id.* Finally, once the government evaluated a proposal as technically acceptable with a substantial confidence rating for past performance or completed evaluations of all responsive proposals, the government would conduct a best-value tradeoff analysis based on those proposals determined to be technically acceptable considering the past performance rating and price. *Id.*

Eleven offerors, including SysCom, submitted proposals in response to the solicitation. Contracting Officer's Statement (COS) at 3. SysCom passed the initial compliance review and was ranked second lowest for price. AR, Tab 39, Source Selection Decision (SSD) at 8; AR, Tab 38, Source Selection Evaluation Board (SSEB) Report at 20. The agency evaluated SysCom's proposal for technical acceptability and found that it was unacceptable under both the staffing plan and mission essential services plan subfactors. AR, Tab 38, SSEB Report at 22, 24. The proposal was therefore evaluated as unacceptable under the technical factor and eliminated from the competition. *Id.* at 26. On February 18, SysCom timely filed its protest.

² The potential past performance ratings were substantial confidence, satisfactory confidence, neutral confidence, limited confidence, and no confidence. AR, Tab 23, RFP, amend. 2, Evaluation Factors at 7.

DISCUSSION

SysCom protests that the agency unreasonably evaluated its technical proposal under the staffing plan and mission essential services subfactors. SysCom also asserts that the agency unreasonably failed to evaluate its past performance and unreasonably evaluated its price. The agency maintains that it reasonably evaluated SysCom's proposal in accordance with the solicitation. As discussed below, we deny the protest.

Staffing Plan

Under the staffing plan subfactor offerors were required to address four elements, including a description of how the offeror intends to maintain uninterrupted service in the absence of personnel due to sickness, vacations, or other sustained leave to ensure no degradation in services. AR, Tab 23, RFP, amend. 2, Evaluation Factors at 4. SysCom's proposal was rated unacceptable under this element because the agency concluded that SysCom's proposal did not describe how services would be maintained in the event of short term leave due to sickness, vacations, or other sustained leave, as required. AR, Tab 38, SSEB Report at 22. Specifically, the SSEB concluded:

A review of the offerors proposal includes a description of their use of a Continuity of Operations Plan (COOP) which largely focuses on the need to maintain mission essential services. Here, the offeror addresses circumstances such as incidents of disaster and risk mitigation; however, the offeror does not expressly discuss matters of individual personnel illness or injury, vacation or other forms of sustained leave. As the offeror's proposal fails to address these matters, this leaves the evaluators to assume that incidents such as those described in the COOP could apply to other incidents or life events to ensure maintaining uninterrupted services, but this is unclear. Given this information as written, the offeror's proposal is determined to be technically unacceptable.

Id. at 22.

SysCom protests that the agency unreasonably evaluated its proposal. SysCom specifically asserts that the agency failed to consider relevant information in its proposal.

In reviewing a protest challenging an agency's evaluation of proposals, our Office will not re-evaluate proposals or substitute our judgment for that of the agency. *Kiewit Infrastructure West Co.*, B-415421, B-415421.2, Dec. 28, 2017, 2018 CPD ¶ 55 at 5.

The evaluation of proposals is generally a matter within the agency's discretion.

Id. Our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the evaluation factors set forth in the RFP. *Id.* A protester's disagreement with the agency's evaluation, without more, does not establish that the evaluation was unreasonable. *REEL COH Inc.*, B-418095, B-418095.2,

Jan. 10, 2020, 2020 CPD ¶ 55 at 8. We have reviewed the agency's evaluation of SysCom's proposal with respect to maintaining uninterrupted service in the absence of personnel due to sickness, vacations, or other sustained leave and conclude that it was reasonable.

SysCom argues that its proposal included several examples of plans to maintain uninterrupted service during the absence of personnel for any reason, which included plans to fill open positions and cover unexpected openings as well as to identify candidates to fill unexpected openings. SysCom specifically notes that its proposal provided that it would [DELETED]. SysCom further asserts that in its proposal, it noted [DELETED]. Finally, SysCom states that it noted that it would [DELETED], and that it included a list on [DELETED].

These strategies, as the agency points out, concern filling open positions and vacancies, not dealing with short term absences that occur because of illness or vacation. COS at 8. In fact, SysCom does not dispute that its proposal did not specifically address how it planned to maintain uninterrupted services that resulted from absences due to illness or vacation. Comments at 2-3. Rather, SysCom contends that it provided plans to address any "other sustained leave" and that this was sufficient to meet the solicitation requirements. See *id.* Because the protester's proposal did not address how it would cover services in case of absence for vacations and sickness, we find that the agency reasonably evaluated SysCom's staffing plan, and as a result its proposal, as unacceptable.

In its comments submitted in response to the agency report, SysCom asserts that the solicitation instructed offerors to provide a plan to address how they would "maintain uninterrupted service during the absence of personnel due to sickness, vacations, **or** other sustained leave to ensure no degradation to continued services." Comments at 2-3; AR, Tab 23, RFP, amend. 2, Evaluation Factors at 4. The protester argues that use of the word "or" indicated that offerors were not required to provide plans for an exhaustive list of absence types. That is, according to the protester, if the agency wanted the protester to address all types of absence, including those stemming from vacations and illness, it should have instructed offerors to provide a plan for absences due to "sickness, vacations, **and** other sustained leave." *Id.* at 3. SysCom concludes that the solicitation therefore did not require offerors to address each category of potential absence.

This basis of protest is untimely. Our Bid Protest Regulations contain strict rules for the timely submission of protests. These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without disrupting or delaying the procurement process. *Verizon Business Network Services, Inc.*, B-419271.5, B-419271.6, Apr. 26, 2021, 2021 CPD ¶ 191 at 14. Under these rules, a protest based on other than alleged improprieties in a solicitation must generally 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). Where a protester

initially files a timely protest, and later supplements it with independent grounds of protest, the later-raised allegations must independently satisfy the timeliness requirements, since our Regulations do not contemplate the unwarranted piecemeal presentation or development of protest issues. *Savvee Consulting, Inc.*, B-408416.3, Mar. 5, 2014, 2014 CPD ¶ 92 at 5. Our decisions explain the piecemeal presentation of evidence, information, or analysis supporting allegations previously made is not permitted. *Raytheon Blackbird Techs., Inc.*, B-417522, B-417522.2, July 11, 2019, 2019 CPD ¶ 254 at 4.

The debriefing provided to the protester explained that its proposal was evaluated as unacceptable under the staffing factor because:

Technical subfactor element 1.d. of the staffing plan requires the offeror to provide a description of how they intend to maintain uninterrupted service during absence of personnel due to sickness, vacations, or other sustained leave ensuring no degradation in service. The evaluators concluded the proposal failed to discuss matters of individual personnel illness or injury, vacation or other forms of sustained leave with adequate clarity to make an informed determination of technical acceptability.

Protest, exh. D, Debriefing at 19.

SysCom knew from the debriefing, which was provided on February 11, 2025, and therefore knew when it filed its initial protest, that the agency evaluated SysCom's proposal as unacceptable because it did not address how it intended to deal with absences due to illness or vacation. SysCom's protest that the solicitation did not require it to provide a plan to deal with absences due to illness or vacation, raised for the first time in its comments submitted on March 31, is therefore untimely as it represents a piecemeal presentation of the protest issue that could have been raised in the initial protest.

Since the agency reasonably evaluated SysCom's proposal under the staffing plan factor as unacceptable, SysCom is not eligible for award. SysCom therefore is not an interested party to pursue its other challenges to the evaluation of its proposal under the mission essential services plan subfactor, the past performance factor, or the price factor. See *Tetra Tech Tesoro, Inc.*, B-403797, Dec. 14, 2010, 2011 CPD ¶ 7 at 6.

The protest is denied.

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