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## Decision

**Matter of:** The Kenjya Group, Inc.; Academy Solutions Group, LLC

**File:** B-406314; B-406314.2

**Date:** April 11, 2012

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Paul F. Khoury, Esq., and Nooree Lee, Esq., Wiley Rein LLP, and Paul S. Thaler, Esq., Thaler Liebler LLP, for The Kenjya Group, Inc.; Mary B. Tung, Esq., and Steven J. Lewicky, Esq., Davis, Agnor, Rapaport & Skalny, LLC, and Daniel S. Koch, Esq., and Emily A. Higgs, Esq., Miles & Stockbridge P.C., for Academy Solutions Group, LLC, the protesters.

Sean M. Costello, Esq. and Anne C. Tinoco, Esq., Maryland Procurement Office, National Security Agency, for the agency.

Nora K. Adkins, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Agency reasonably rejected the protesters' proposals as technically unacceptable in accordance with the terms of the solicitation where the agency reasonably concluded that the proposals failed to offer a program manager who satisfied the experience requirements of the solicitation.

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### DECISION

The Kenjya Group, Inc., of Columbia, Maryland, and Academy Solutions Group, LLC, of Columbia, Maryland, protest the award of a contract to Advantage Engineering & IT Solutions, Inc., of Eldersburg, Maryland, by the Maryland Procurement Office, National Security Agency (NSA) under request for proposals (RFP) No. H98230-11-R-2032 for enterprise management and support (EM&S) services at Fort Meade, Maryland. The protesters allege that the agency unreasonably rejected their proposals as technically unacceptable.

We deny the protests.

The RFP was issued on September 12, 2011, as a service-disabled veteran-owned small business set-aside. The solicited services support the agency's EM&S Information Technology Requirements and Assessments office (DC08) and provide engineering resources in support of informational technology (IT) requirements

management; architecture and business process analysis; technical support; and development of functional requirements documents initiatives. RFP at 1.

The RFP contemplated the award of a fixed-price level-of-effort contract. Award was to be made to the lowest-priced, technically acceptable proposal, considering price and three non-price factors--management (which had two subfactors, program management approach and personnel), technical approach, and past performance.<sup>1</sup> RFP, Evaluation Criteria, at 1. In order to be considered for an award, an offeror was required to receive acceptable ratings under all factors and subfactors. RFP, Evaluation Criteria, at 1, 5.

The RFP provided detailed instructions for the submission of proposals. As relevant here, the RFP required offerors to provide eight resumes representing each candidate proposed to fulfill the three labor categories for this contract: program manager/senior systems engineer, which was designated as a key category; senior systems engineer; and systems engineer. RFP, Initial Statement of Work (SOW), app. A, at 13-16. The RFP required that each resume detail the candidate's skill level, applicable experience, and level of security clearance, and anticipated their evaluation under the personnel subfactor of the management factor. RFP, Proposal Preparation Instructions, at 5. The RFP also cautioned that the resumes should demonstrate that the individuals proposed satisfy the minimum requirements of each labor category, and the performance requirements as identified in the SOW. Id.

As relevant here, the initial SOW required that the program manager/senior systems engineer "have a background of 5 years documented Program Management in a business environment designing and integrating information technology based solutions." Id. at 14. Similarly, the initial SOW required that senior systems engineers "have a background in a business environment designing and integrating information technology based solutions." Id. at 15.

By the October 19 closing date, the agency received proposals from Kenjya, Academy, and Advantage. The agency found all three proposals technically unacceptable because several of the resumes provided by each offeror failed to demonstrate compliance with the labor category requirements of the SOW.

With regard to Kenjya, the agency found that "[o]nly two proposed [senior systems engineers] qualify under [the] minimum SOW experience requirements" and the "proposed [program manager] does not have the required 5 years documented Program [Management] in a business environment." Kenjya AR, Tab 7, Discussion

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<sup>1</sup> The management and technical factors and subfactors were rated on an acceptable or unacceptable basis. The past performance factor was rated on an acceptable, neutral, or unacceptable basis.

Letter (Nov. 2, 2011), at 3. The discussion letter identified the specific reasons for its evaluation of each resume submitted by Kenjya. Id.

With regard to Academy, the agency found that “[o]nly one proposed [senior systems engineer] qualifies under the minimum SOW experience requirements],” and the “proposed [program manager] does not have the required 5 years documented Program [Management] in a business environment.” Academy AR, Tab 7, Discussion Letter (Nov. 2, 2011), at 3. Here too, the discussion letter identified the specific reasons for its evaluation of the resumes. Id.

Given its receipt of three unacceptable proposals, the agency decided to amend the RFP to emphasize the need for experience in a business environment, and to indicate that a background in program management or IT systems development alone would not be sufficient to meet the SOW’s requirements for the proposed program manager/senior systems engineer labor category. See Kenjya Contracting Officer (CO) Statement, at 8; Academy CO Statement, at 8. Consequently, the agency issued an amendment to the RFP to add several new requirements to the SOW relating to the labor categories. The discussion letters amplified these changes by explaining that the SOW requires knowledge of business systems rules, processes, policies, and practices. In addition, the discussion letters emphasized that success in DC08 is highly dependent on an understanding of business operations, since DC08’s “customer set is comprised of only enabling organizations.”<sup>2</sup> Kenjya AR, Tab 7, Discussion Letter, at 3; Academy AR, Tab 7, Discussion Letter, at 4.

As relevant here, the SOW was amended to provide that all proposed personnel demonstrate “[e]xperience in supporting [IT] related to corporate business and enabler functions such as finance, acquisition, human resources, and installations and logistics.” In this regard, the program manager/senior systems engineer labor category was amended to require “a background of 5 years documented IT Program Management in a corporate-level business and enabler environment (covering functions such as finance, acquisition, human resources, and installations and logistics) designing and integrating [IT] based solutions.”<sup>3</sup> In addition, the senior systems engineer labor category was amended to require “a background in a corporate-level business and enabler environment (covering functions such as

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<sup>2</sup> The DC08 office supports key enabling organizations within the agency including: headquarters management; acquisition; finance; security; human resources; education and training; logistics and facilities; and systems engineering. Kenjya COS at 2; Academy COS at 2.

<sup>3</sup> The parenthetical in this requirement was included to describe the customer set supported by the DC08 office and to provide offerors an indication of what types of experience would meet the requirement. Kenya COS at 8; Academy COS at 8.

finance, acquisition, human resources, and installations and logistics) designing and integrating [IT] based solutions.” RFP, Amended SOW, app. A, at 13-16.

On November 10, the agency received revised proposals from Kenjya, Academy, and Advantage. In its revised proposal, Kenjya proposed a new program manager and a new senior systems engineer, while providing additional information for the remaining resumes. Academy and Advantage did not change any of their proposed personnel, but instead updated their resumes with additional information.

The agency found that Kenjya’s and Academy’s revised proposals remained unacceptable for failing to meet the SOW labor category requirements<sup>4</sup> and that only Advantage’s proposal was technically acceptable. Award was made to Advantage on December 30 in the amount of \$11,386,163.60.

Kenjya filed a protest with our Office on January 4. Academy’s protest followed on January 9.

## DISCUSSION

Kenjya and Academy both assert that the agency unreasonably rejected their lower-priced proposals based upon an evaluation that was contrary to the stated evaluation criteria.

The evaluation of technical proposals is a matter within the discretion of the contracting agency, since the agency is responsible for defining its needs and the best method of accommodating them. Encorp-Samcrete Joint Venture, B-284171, B-284171.2, Mar. 2, 2000, 2000 CPD ¶ 55 at 4. In reviewing an agency’s evaluation, we will not reevaluate technical proposals, but instead will examine the agency’s evaluation to ensure that it was reasonable and consistent with the solicitation’s stated evaluation criteria and with procurement statutes and regulations. Id. Since an agency’s evaluation is dependent upon the information furnished in a proposal, it is the offeror’s responsibility to submit an adequately written proposal for the agency to evaluate. LOGMET, B-400535, Oct. 30, 2008, 2008 CPD ¶ 199 at 3. An offeror that fails to do so runs the risk that its proposal will be evaluated unfavorably. Recon Optical, Inc., B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6. This principle is no less applicable where a solicitation requires the submission of resumes that demonstrate ability or experience of key personnel. E.g., Critical Incident Solutions, LLC, B-298077, May 30, 2006, 2006

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<sup>4</sup> The agency found that Kenjya’s resumes for its program manager/senior systems engineer and two of its proposed senior systems engineers did not demonstrate compliance with the SOW labor category requirements, and that Academy’s resume for its program manager/senior systems engineer did not demonstrate compliance.

CPD ¶ 88 at 3-4 (protest that agency misevaluated a resume as unacceptable is denied where evaluators reasonably found that the resume did not clearly show that the protester's candidate had the skills required in the solicitation).

### Kenjya's Protest

Kenjya asserts that its program manager and its proposed senior systems engineers fully met the RFP requirements. Kenjya argues that its program manager's resume "described [the program manager's] substantial business background working with IT solutions." Protest at 6. As an example, Kenjya cited to the following portion of its program manager's resume:

Over 27 years of Program Management experience for a variety of [intelligence community] programs. Developed financial system for classified customer to restructure and re-engineer budgeting information. As [REDACTED]<sup>5</sup> [program manager], [m]anaged a 10-team, 115 person effort developing and supporting Information Warfare systems for [REDACTED] (6 years). Developed working aids and tools to assist Government customer in tracking and managing financial data. Prepared and presented training session to Government Acquisition and finance staff. As [REDACTED] developed IT Infrastructure solution and demonstration to [REDACTED] Finance Sector to address power/space/cooling, security and 24x7 global help desk support system.

Kenjya Revised Proposal, vol. I, app. A, page iii. Kenjya also contends that its program manager's resume "further demonstrates the requisite IT management-related business experience," Protest at 6, and provided the following excerpt from its proposal in support of this statement:

As [REDACTED], developed a variety of solutions and hands-on solutions in a demonstration lab pertaining to thin client, cross-domain solutions, virtualization, power-space-cooling, and wireless technologies. Built [bases of estimates] and cost estimation models for commercial, Government and second-party customers. Built and managed a college intern program that became a corporate [human resources] policy. Designed and developed costing models to support installation of IT products at [areas inside the continental United States], [areas outside the continental United States], and commercial sites.

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<sup>5</sup> Kenjya's proposal did not provide a definition of [REDACTED]. Kenjya Protest at 6.

Kenjya Revised Proposal, vol. I, app. A, at page ii.

Based on its review of Kenjya's proposal, the agency determined that the proposed program manager failed to show 5 years of documented experience as an IT program manager in the required environment--i.e., "a corporate-level business and enabler environment (covering functions such as finance, acquisition, human resources, and installation/logistics) designing and integrating information technology based solutions." Kenjya AR, Tab 12, Debriefing, at 2; Tab 16, Final Evaluation Report, at 1-2. Kenjya argues that the program manager's work on one project alone--[REDACTED]--would meet the RFP requirements, given that the resume explained that this work was accomplished over a 6-year period. In response, the agency explains that the activities listed on the resume related to [REDACTED] failed to show whether they were conducted in a corporate-level business enabler environment as required, or if they were related to IT management. While the agency found that the [REDACTED] activities appeared to support information warfare systems [REDACTED], it could find no further explanation of the program, or even a definition of the acronyms used by Kenjya in its proposal.

The agency also considered that the proposed program manager's resume stated that he has "developed [a] financial system for [a] classified customer to restructure and re-engineer budgeting information," but found that this work seemed to have been done in a mission environment rather than at a corporate-level, and that his role, as well as the amount of time he performed in this role, was unknown. AR, Tab 12, Debriefing, at 2. The agency acknowledged that the proposed program manager was a "member of a development team to re-engineer the [planning, programming, budgeting and execution] process" but concluded that this experience was not management experience, and that it was unclear from the resume whether the work was IT-related. Id. Finally, while the agency agreed that the proposed program manager's resume displayed that he "performed other financial types of duties," it again found that these activities did not appear to be management related. Id.

Based upon our review of the record, we find that the agency's evaluation of Kenjya's proposal was reasonable and consistent with terms of the RFP. It is an offeror's responsibility to submit an adequately written proposal. Zachry Constr. Corp., B-405201.2, Sept. 22, 2011, 2011 CPD ¶ 194 at 3-4. Here, Kenjya's proposed program manager's resume failed to include sufficient information to convince the agency that the program manager met the requirements of the RFP. In this regard, the agency concluded that the resume demonstrated separate experiences in IT and program management, but found that the experience did not establish 5 years of IT program management experience in a corporate-level business and enabler environment designing and integrating IT-based solutions. Moreover, the agency also reasonably concluded that the references in the resume relating to work supporting a business enabler environment were not clearly for

IT-related work. While Kenjya disagrees with the agency's evaluation, based on our review, we see nothing unreasonable about the agency's evaluation conclusion.<sup>6</sup>

### Academy Protest

Academy asserts that the agency ignored the many examples provided within its program manager's resume that showed he satisfied the requirements of the RFP.<sup>7</sup> For example, with regard to the proposed program manager's experience, the resume describes experience involving [REDACTED] contracts and on [REDACTED] programs as follows:

05/05 – Present, [Academy]

Sr. Systems Engineer, [REDACTED]

\* \* \*

Enterprise software development effort impacting both mission and business system environments.

\* \* \*

Sr. Systems Engineer, [REDACTED]

\* \* \*

A software intensive development system commensurate with developing IT systems in a business environment because the same systems engineering processes are applied to the development environment.

\* \* \*

Sr. Systems Engineer, [REDACTED]

\* \* \*

Negotiated/managed Interface Control Documents . . . for a software intensive system--needed in both mission and business IT systems environments.

Academy Revised Proposal, vol. I, app. A, at 4-5.

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<sup>6</sup> We only address the evaluation of the program manager's resume, and not the evaluation of the two unacceptable senior systems engineers, because the unacceptable rating for the program manager eliminates Kenjya's proposal from award consideration. RFP, Evaluation Criteria, at 1, 5.

<sup>7</sup> Academy also asserts that the RFP requirement for the program manager to have 5 years of documented experience in IT program management is vague and subjective. To the extent this contention is a challenge to the agency's amended RFP criteria, it is an untimely protest of the terms of the revised solicitation, which we will not consider because it was not filed prior to the closing date for receipt of revised proposals. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (2011).

The agency found Academy's proposed program manager's resume did not show that he satisfied the RFP requirements. For example, the agency determined that the proposed program manager's experience on the [REDACTED] and [REDACTED] contracts during the 2005 to present timeframe, as indicated in his resume, did not constitute IT program management experience in a corporate-level business and enabler environment designing and integrating IT based solutions. Indeed, as noted by the agency, [REDACTED] had specific knowledge of the [REDACTED] and [REDACTED] contracts with [REDACTED], and while Academy performed systems engineering tasks, even at a enterprise wide level, the work did not equate to the required IT program management in a corporate-level business and enabler environment. Academy COS at 21-22.

The agency also found that the [REDACTED] programs were operational mission focused efforts and were not corporate-level business and enabler environments. Furthermore, the agency viewed the resume's description of the program manager's work on the [REDACTED] programs as "commensurate with developing IT systems" as an admission that the programs did not specifically address a business system as defined in the RFP. Academy AR, Tab 14, Final Evaluation Report, at 1; Academy AR, Tab 10, Debriefing, at 2.

Moreover, the agency uncovered discrepancies within the initial and final resumes submitted by Academy for its proposed program manager, in that Academy's initial proposal did not describe the proposed program manager's experience as that of a program manager, but rather as only a senior systems engineer. In its final proposal, Academy simply added the program manager title to its revised proposal without providing further elaboration. Academy COS at 20; Compare Academy Initial Proposal, vol. I, app. A, at 3 ('08-present (3.5 yrs), Acquisition Professional, [REDACTED]) to Academy Final Proposal, vol. I, app. A, at 2 (05/05 – present, Senior Systems Engineer/Program Manager, Academy).

As indicated, it is an offeror's responsibility to submit an adequately written proposal. Zachry Construction Corp., supra. We see nothing unreasonable about the agency's evaluation conclusion that Academy's proposed program manager's resume failed to include sufficient information to convince the agency that the program manager met the requirements of the RFP.

In sum, we think that the agency had a reasonable basis for finding that the protesters failed to demonstrate in their proposals that their respective proposed program managers met the solicitation requirements. As a consequence, the agency reasonably found that these proposals were technically unacceptable.

Lynn H. Gibson  
General Counsel