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Decision

Matter of: Colorado Professional Resources, LLC

File: B-406413; B-406413.2

Date: May 18, 2012

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Durward E. Timmons, Esq., and Ryan J. Klein, Esq., Sherman & Howard LLC, for Infinity Systems Engineering, LLC, the intervenor.
Maj. John C. Degnan and Jeffrey Lowry, Esq., Department of the Air Force, for the agency.
Christina Sklarew, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly rejected the protester's proposal as technically unacceptable where the proposal was reasonably found to be unacceptable under a number of evaluation subfactors and the solicitation warned offerors that an unacceptable rating under any factor or subfactor would render the proposal unacceptable and ineligible for award.

DECISION

Colorado Professional Resources, LLC (CPR), of Colorado Springs, Colorado, protests the award of a contract to Infinity Systems Engineering, LLC, of Colorado Springs, Colorado, under request for proposals (RFP) No. FA2550-11-R-8001, issued by the Department of the Air Force, Air Force Space Command, for 4th Space Operations Squadron systems engineering support. CPR contends that the Air Force unreasonably evaluated its offer as technically unacceptable.

We deny the protest.

BACKGROUND

The 4th Space Operations Squadron operates the Air Force's Milstar satellite communication systems to provide global, secure, survivable, strategic and tactical

communication during times of peace and conflict. See 4th Space Operations Squadron Fact Sheet, www.schriever.af.mil/library/factsheets/factsheet.asp?id=3915. In addition to operating the \$31-billion Milstar system, the squadron is transitioning the \$10-billion Advanced Extremely High Frequency (AEHF) system into its operations. The Milstar/AEHF system will be composed of three distinct segments: space (satellites), terminal (users) and mission control (ground control stations). Id.

The RFP, issued as a small business set-aside, provided for the award of a contract for engineering and satellite communications support for Milstar, AEHF and projected Ultra High Frequency future missions. Agency Report (AR), Tab 4, Acquisition Plan, at 3. The required support includes strategic communications support services, tactical planning, Milstar/AEHF cryptographic and communications security operations support, computerized communications planning tool services, and Milstar/AEHF systems technical services, among others. RFP, Performance Work Statement, at 5.

Offerors were informed that the contract would be awarded on a lowest-priced, technically acceptable (LPTA) basis and that the agency intended to make award on the basis of initial proposals without conducting discussions. The following technical evaluation factors and subfactors were identified:

Providing Strategic Communications Support Services for Milstar/AEHF	
	Monitor strategic network configuration
	Develop payload table recommendations
	Analyze communications plans
Providing Tactical Planning Services for Milstar/AEHF	
	Analyze tactical network plans
	Analyze tactical communications plans
	Milstar/AEHF user support
	Monitor tactical network configuration
	Support and manage Advanced Milstar Integrated Space Picture (AMISP) software
	Train 4 th Space Operations Command Squadron and Unified Combatant Commands
Milstar/AEHF Cryptographic and Communications Security (COMSEC) Operations Support Services	
	Cryptographic user support
	Rekey activities
	Cryptographic/COMSEC rekey planning

Milstar and AEHF System Technical Services	
Program Management	
	Staffing
	Security Requirements

RFP at 100-02. The RFP warned that an offer found unacceptable under any factor or subfactor would be unacceptable and ineligible for award. Id. at 66.

The RFP identified a dozen hypothetical scenarios that offerors were to address in their technical proposals. For example, scenario 4 asked offerors to discuss their plans for providing communications where all diplomatic relations had broken down with Iran and naval and ground forces were being deployed in that area of operation. Id. at 118.

Detailed instructions were provided for the preparation of proposals. Offerors were instructed to provide a “convincing rationale to describe the requirements and address how the offeror intend[ed] to meet the requirements,” and to address as specifically as possible the actual methodology they would use for accomplishing or satisfying the requirements of each subfactor. Id. at 61. Offerors were to assume that the Air Force had no prior knowledge of the offeror’s capabilities, facilities and experience, and that the agency would base its evaluation on the information presented in the offeror’s proposal. In addition, the RFP instructed offerors to prepare their technical proposals “in sufficient detail to enable the Government to make a thorough evaluation of the offeror’s technical competence and ability to comply” with the RFP’s various requirements. Id. at 66. With respect to addressing the scenarios, the RFP provided that

[a]n acceptable proposal will address each of the factors or the scenarios with sufficient detail to demonstrate both an understanding of and an effective approach toward requirement fulfillment. The offeror shall include all assumptions used within responses to the scenarios.

Id.

The agency received four proposals, including CPR’s and Infinity’s, which were evaluated by the agency’s source selection evaluation board (SSEB).¹ The SSEB documented its evaluation under each factor and subfactor in a proposal evaluation report that explained the basis for the evaluators’ judgments as to the acceptability

¹ CPR, which submitted an overall price of \$6,305,250, identified the incumbent contractor, LinQuest Corporation, as its subcontractor. Infinity submitted an overall price of \$7,819,027. AR, Tab 11, Proposal Analysis Report, at 7.

of proposals. See AR, Tab 11, Proposal Analysis Report. Only Infinity's proposal was found to be technically acceptable. Id. at 7. CPR's proposal was found to be technically unacceptable under three of the subfactors of the "providing tactical planning services for Milstar/AEHF" factor. Id. at 33-37. The agency decided not to conduct discussions with the offerors,² and selected Infinity's proposal for award.

CPR protested to our Office following a debriefing.

DISCUSSION

CPR protests the agency's determination that its proposal was technically unacceptable and that only Infinity's proposal was technically acceptable.

Where a protester challenges an agency's evaluation of a technical proposal, our review is limited to considering whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. See Knoll, Inc.; Steelcase, Inc., B-294986.3, B-294986.4, Mar. 18, 2005, 2005 CPD ¶ 63 at 3. 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, since the agency is responsible for defining its needs and the best method of accommodating them. DRIVE Developments, Inc., B-405910.6, Apr. 19, 2012, 2012 CPD ¶ 143 at 3. An offeror's disagreement with the agency's evaluation is not sufficient to render the evaluation unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

Here, CPR's proposal was found unacceptable under three different subfactors. Given that the RFP provided that an unacceptable rating under any subfactor would render an offer unacceptable, we discuss only CPR's response to scenario 4 (which was evaluated under the "analyze tactical communications plans" subfactor of the "providing tactical planning services for Milstar/AEHF" factor), under which its proposal was found unacceptable. Scenario 4 provided:

All diplomatic relations have broken down with Iran. To protect our interest in the region, naval and ground forces will be employed. Assume that Milstar satellites are in their current locations, the constellation is in a ring, and an AEHF satellite is capable of providing XDR [extended data rate] coverage to the entire area of operations.

a. Provide a plan using only four MDR [medium data rate] antennas with DUCA B1 [distributed user cover area] unavailable.

² CPR was asked a couple of clarification questions by the agency.

- b. Provide a plan that efficiently uses Milstar satellite resources and discuss some potential shortfalls that should be anticipated in executing this plan.
- c. Describe how AEHF resources could best be utilized in the scenario above and how they differ from legacy satellites.

RFP at 118.

In its response to (b) of this scenario (an efficient use of Milstar satellite resources), CPR provided a plan that would use [deleted] of the Milstar-5 satellite's medium-data-rate (MDR) antennas.³ CPR described this plan as providing to the ground forces exclusive use of the narrow spot beams and their anti-jam capability, "as a result of covering the expected naval-force operating areas with [distributed user coverage area (DUCA)] assets that have enough channels to support naval-force needs."⁴ Protester's Proposal at 11.

The SSEB found CPR's approach to be unacceptable. Specifically, the evaluators criticized CPR's use of [deleted] MDR antennas on the Milstar satellite to cover only the area of Iran, rather than employing a more efficient approach that would leave resources available to provide coverage to other critical areas in the satellite's footprint. AR, Tab 11, Proposal Analysis Report, at 34. The evaluators concluded that CPR's approach demonstrated a lack of understanding about how to efficiently use available resources. The SSEB found that this approach would "not leave available [deleted] to provide coverage to other critical areas currently [being] serviced" by the Milstar satellite, such as the unified combatant commands in the central area of the globe, Africa, and Europe, as well as critical naval shore sites and alternative ports; and "could not provide necessary [deleted] for users in the region normally serviced by [the satellite]." *Id.* The SSEB also criticized CPR's approach to the Straits of Hormuz, concluding that this also demonstrated a lack of understanding regarding how units conduct operations in this area, where the

³ CPR provided a diagram in its proposal showing [deleted] MDR antennas directed in a manner to provide coverage of [deleted].

⁴ CPR states that the [deleted], which CPR recognized to be a very strategic area, was overlapped by two DUCA coverage areas. CPR stated in its proposal that a concerted effort would be made to minimize [deleted] into neighboring countries, anticipating that those countries might try to thwart these efforts. CPR's proposal also recognized that moving [deleted] reduces the number of channels available to naval forces; and that, based on the population density in the northwest, where CPR's plan includes [deleted] coverage areas that support [deleted] channels each, a re-distribution of coverage areas or channel-to-coverage area assignments might be necessary. Protester's Proposal, at 11.

Straits of Hormuz “is a chokepoint and a significant number of ships would not operate in the straits at the same time.” Id.

The Air Force also criticized CPR’s failure to explain how or why its approach under scenario 4(b) was efficient and took into account downlink limitations where CPR was attempting to [deleted] coverage areas. See AR, Tab 12.1, Initial Evaluation Briefing, at 30. In this regard, the SSEB noted that CPR’s approach had not used antenna beam roll-off to gain extra coverage.⁵

CPR disagrees that its approach to scenario 4 was unacceptable and argues that the Air Force’s evaluation was inconsistent with the RFP’s evaluation approach. Specifically, CPR argues that the RFP defined “technical acceptability” with respect to the scenario responses “in broad, general terms,” which CPR contends only required offerors to “demonstrate a technical understanding of the questions related to [a particular scenario].”⁶ Protester’s Comments at 7. In short, CPR argues that its response to scenario 4(b) demonstrated that CPR understood the scenario and the questions presented by the scenario.⁷

⁵ “Beam roll-off” area refers to the region surrounding an antenna’s specified footprint. This reflects the concept that a ground terminal need not be in the center of a beam to make use of that beam to send and receive information to/from a satellite or (with respect to hostile satellites) to jam transmissions. AR at 15.

⁶ The protester contends that the RFP provided “no additional guidance or information regarding the factors or sources of information the Agency would consider” in assessing whether an offeror’s technical understanding was acceptable, nor did it require offerors to include any specific strategy as part of their technical response to the scenario question. Protester’s Comments at 7.

⁷ CPR contends that the Air Force had a preference for a specific approach that was not disclosed in the RFP and that its proposal was downgraded only because the agency’s evaluators had this specific solution in mind. The protester also contends that the agency preferred Infinity’s approach and evaluated all other proposals against that standard, rather than the RFP criteria. As an example, the protester notes that its technical proposal was criticized for not using antenna beam roll-off to gain extra coverage, and argues that this approach (which the agency listed among examples of efficient approaches in the evaluation record) was derived from Infinity’s proposal. CPR’s arguments are not persuasive in this regard. We find no evidence in the record that the agency preferred a specific, undisclosed approach. Moreover, while CPR objects to the agency’s use of antenna beam roll-off as an example, it neither shows that its own proposal had offered other, effective means of achieving efficiency for which it was not given credit, nor that it was unreasonable to consider antenna beam roll-off to be an example of an efficient or effective approach.

We find no merit to the protester's contention that the RFP only required a "minimal threshold" of demonstrating an understanding of the scenarios. As noted above, the RFP advised offerors to address how the offeror intended to meet the requirements, see RFP at 61, and to do so in sufficient detail to allow a thorough evaluation of the offeror's technical competence and ability to comply with the performance work statement and other requirements. Id. at 66. Thus, the RFP required offerors to demonstrate not merely that they understood the questions posed by the scenarios, but that they offered a feasible and effective solution. The agency's evaluation was consistent with this standard.

We also find that CPR's arguments as to why its approach to scenario 4(b) should have been found acceptable are based upon information that was not included in its proposal for the agency's evaluation.

For example, CPR states in its protest that the design of its plan was based upon CPR's understanding that forces in the region would have top priority for satellite resources. CPR states that it understood the available coverage from an AEHF satellite in the region to mean that Milstar assets could be dedicated to this area. CPR states that it viewed the most efficient solution under this scenario to be one that provided the highest level of available communications over the area. Protest at 24. As the agency points out however, CPR's explanations are based on information that CPR did not include in its proposal, such as the use of the AEHF satellite to cover areas in the region other than Iran itself. AR at 13. Given that this information was not provided to the agency, we have no basis to question the agency's evaluation in this regard. An offeror has a responsibility to affirmatively demonstrate the merits of its proposal and risks rejection of its proposal if it fails to do so. HDL Research Lab, Inc., B-294959, Dec. 21, 2004, 2005 CPD ¶ 8 at 5. This is particularly true where, as here, the solicitation required offerors to include all assumptions used within their responses to the scenarios, and warned that the evaluation would be based solely on the information presented in offerors' proposals.⁸

⁸ Similarly, the Air Force refers to a plan in CPR's proposal to [deleted] antenna coverage beams over the Straits of Hormuz and concludes that this demonstrates how the plan was wasteful, rather than efficient. AR at 14. Although CPR argues in its protest that the other areas in the region "would be covered by AEHF resources," this assumption was not stated in its proposal; to the contrary, the agency notes CPR's proposal stated that this scenario "requires use of [deleted]." Id., citing CPR's Proposal at 10. Moreover, while CPR argues that the agency's focus on the number of antennas was a "gross oversimplification" that "ignores the tactical efficiencies evident from CPR's explanation of its general approach and the express assumptions provided," Protester's Comments at 29, it has not, in fact, shown how CPR's allocation of antennas was efficient or that the agency's judgment was unreasonable, given the scenario's emphasis on achieving efficiency.

CPR also complains that the agency's evaluation was factually inaccurate where the agency criticized CPR's failure to account for downlink limitations. The protester asserts that it specifically chose to avoid downlink limitations by covering Iran with [deleted] available MDR beams, thereby minimizing the need for more downlink resources. In response, the Air Force has explained why CPR's plan to use more beams did not demonstrate an accurate understanding of the situation and did not represent an efficient or acceptable use of Milstar's limited resources.⁹ Although CPR disagrees with the agency's judgment in this regard, it has not shown it to be unreasonable. Ben-Mar Enters., Inc., B-295781, supra.

In sum, the record supports the agency's determination that CPR's responses to the scenarios did not demonstrate both an understanding of and an effective approach toward requirement fulfillment, as required by the RFP. Although CPR disagrees with the agency's judgments, it has not shown that the agency's technical evaluation and selection decision were unreasonable or inconsistent with the RFP criteria.¹⁰

The protest is denied.

Lynn H. Gibson
General Counsel

⁹ Essentially, the agency states that the downlink limitation remains the same regardless of how many beams from the satellite are directed at any single area on the ground; downlink "hops" can be distributed through all eight beams, or could be concentrated in a single beam. Therefore the increase in beams would not increase the number of hops, because that number is fixed. AR at 13-14.

¹⁰ CPR also argues that the agency disparately evaluated its and the awardee's responses to scenario 7 (evaluated under another subfactor). We do not address this, since we have found that CPR's proposal was reasonably rejected based on its evaluation under scenario 4(b).