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Decision

Matter of: Katmai Information Technologies, LLC

File: B-406885

Date: September 20, 2012

William K. Walker, Esq., Walker Reausaw, for the protester.
Capt. Edward Ahn, Department of the Army, for the agency.
Paula A. Williams, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that terms of solicitation for role-players to interact with military forces do not adequately communicate the agency's requirements is denied where the solicitation provides sufficient information on which offerors can compete intelligently and on a relatively equal basis.

DECISION

Katmai Information Technologies, LLC (Katmai) of Anchorage, Alaska protests the terms of request for proposals (RFP) No. W91247-12-R-0023 issued by the Department of the Army to provide support for mobilization training centers at Fort Dix, New Jersey and Camp Shelby, Mississippi. The protester asserts that the solicitation is flawed because it does not provide essential information for purposes of competing for the agency's requirements.

We deny the protest.

On May 15, 2012, the Army issued the RFP as a competitive section 8(a) set-aside contemplating the award of up to two requirements-type, labor-hour contracts with a period of performance of 42 months, including optional ordering periods, to provide qualified role-players¹ to assist with pre-deployment training of National Guard and Reserve units at Fort Dix and Camp Shelby. Prior to their deployment for combat

¹ The solicitation identifies three major types of role players: cultural role players, detainee role players, and foreign language speakers. RFP amend. 1, at 13-14.

operations, soldiers receive theater specific orientation and training on relevant cultural awareness, negotiation skills and the use of interpreters. The selected contractor is required to provide personnel in specified labor categories to assist the agency in performing the various training events that require realistic soldier interaction with role-player representatives of indigenous populations to replicate mission scenarios in varying conditions.² RFP amend. 1, Performance Work Statement (PWS) at 13.

The solicitation states that an offeror can submit a proposal for either one or both mobilization training centers and award will be made to the offeror who submits the lowest-priced, technically acceptable proposal. RFP amend. 1, at 31. Proposals were to be evaluated for technical acceptability under two factors, mission capability and past performance. The mission capability factor was divided into two subfactors: (1) management approach and (2) staffing, recruiting and retention plan. Id. Generally, under the mission capability factor, offerors were to describe their approach to performing training scenarios identified in the RFP's technical exhibits (TE) for each mobilization training center. See TE B-1, Fort Dix Scenario Templates and TE B-2, Fort Shelby Scenario Templates.

The technical exhibits provide detailed estimates of the anticipated labor hours to be utilized for role-player support by labor category. For example, the scenario data for Fort Dix includes a detailed description of the types of scenarios, the estimated labor hours for each scenario, the various labor categories such as lead role-player, male cultural role-players, female cultural role-players, male foreign language speakers, female foreign language speakers and total number of personnel required for each scenario for the base and optional ordering periods. RFP amend. 1, TE B-1, Fort Dix Scenario Templates.

As it relates to the protest, the RFP identifies two key personnel positions: an on-site project manager and an alternate who will be responsible for "the overall management and coordination of the contract upon receipt of a task order." Id. at 4. In addition, the RFP provides that the offeror should designate a lead role-player who will assume the role of team leader at each mobilization training center. The lead/team leader must be on-site for all training scenarios and role-players must follow the instructions from that individual as well as on-site military personnel. Id. at 13-14; see also TE B-1, Fort Dix Scenario Templates and TE B-2, Fort Shelby Scenario Templates. Moreover, under the management approach subfactor, the RFP requires each offeror to "describe its approach to providing on-site leadership

² The solicitation identifies such conditions as "working with local leaders, providing medical support to local children, assessing the attitudes of the population in certain areas, deescalating a situation by communicating properly with local religious leaders, or a need for redirecting both combatants and non-combatants during offensive operations." RFP amend. 1, PWS at 2-3.

personnel (i.e., project management/team leaders) to support multiple training scenarios simultaneously.” Id. at 29.

As for price, the RFP states that offerors should submit separate price proposals using the price schedules included in the solicitation. The offerors were asked to provide unit and extended prices for the total number of estimated labor hours for all labor categories per ordering period. RFP amend. 3, TE A-1, Price Schedule for Fort Dix and TE A-2, Price Schedule for Fort Shelby.

The Army answered several questions posed by prospective offerors about the solicitation requirements, including the following:

Question 68: Reference Attachments TE-B-1, TE-B-2, and TE-B-3; Please provide any scenario data available regarding actual exercises conducted in terms of (a.) hours per scenario, (b.) number and types of role players per scenario, and (c.) simultaneous conduct of scenarios.

Response 68: Information to answer (a.) and (b.) are provided in the Scenario Templates for each location. Please refer to Technical Exhibit B-1 and B-2.
Response to (c.) Simultaneous scenarios may occur occasionally dependent on unit training.

RFP amend.1, Attachment 2, Questions and Answers (Q&A) #68.

Katmai filed a timely protest with our Office alleging that the solicitation lacks essential information to permit the firm to compete for the agency’s requirements.³ In its challenge to the terms of the solicitation, the protester focuses on the agency’s alleged failure to provide more specific information regarding the potential requirement for simultaneous training scenarios. In this regard, the protester asserts that “[w]ithout better insight in the frequency of overlapping exercises, it is virtually impossible to price the contract or to meet the Key Personnel technical requirements for project managers and alternative project managers.” Protest at 2. Katmai further alleges that the incumbent contractors for each mobilization training center would possess historical knowledge of the frequency of simultaneous training scenarios, thus providing them with an unfair competitive advantage. Id. at 5. As a general rule, agencies must provide sufficient detail in a solicitation to enable offerors to compete intelligently and on a relatively equal basis. Crown Contract Servs., B-288573, Oct. 31, 2001, 2001 CPD ¶ 179 at 2. When an agency solicits

³ The Army received proposals from 14 offerors; Katmai did not submit a proposal. Contracting Officer’s Statement at 8.

offers for a requirements contract on the basis of estimated quantities, the agency must base its estimates on the best information available. Inventory Accounting Serv., Inc., B-271483, July 23, 1996, 96-2 CPD ¶ 35 at 2-3.

Here, the detailed estimates provided by the agency in the solicitation, which are unchallenged by the protester, coupled with the agency's response to numerous questions from prospective offerors, provides sufficient information to allow offerors to compete intelligently and on a relatively equal basis. Specifically, the solicitation includes detailed estimates of the total number of labor hours for all contemplated labor categories for each ordering period, detailed descriptions of the training scenarios with estimated hours per scenario, total number and type of role-player per scenario, uniforms and equipment requirements for each scenario, and estimated number of scenarios per ordering period. These estimates provide a detailed picture of the overall scale and magnitude of the agency's requirements to be performed under the contract.

Moreover, the record confirms, as the agency argues, that the solicitation describes the roles and responsibilities for the project manager position. Specifically, the RFP establishes that the project manager will be "a full time, on-site project manager who shall be responsible for the overall management and coordination of the contract upon receipt of a task order" and the project manager or alternate "shall be available between the hours of 7:30 - 4:30." RFP amend. 1, PWS at 4. In essence, offerors must provide one project manager for each site, Fort Dix and Camp Shelby.⁴ Thus, notwithstanding the protester's assertion to the contrary, there is no ambiguity with respect to staffing of the project manager position since staffing for this position is independent of the number of scenarios ordered, or whether the scenarios are ordered simultaneously.

We do, however, recognize that the solicitation creates some risk where offerors have to anticipate "occasionally" performing scenarios simultaneously. This introduces an undefined variable that likely will affect offerors' staffing for positions

⁴ In response to another question posed by a potential offeror, the agency states:

Question 59: Reference C.13.12.1. Given a leader/manager must be on-site for all scenarios, how many different locations/sites per scenario?

Response 59. A Team Leader is required per training scenario (please refer to technical exhibit B-1 and B-2, one Program Manager is required per location (i.e., Camp Shelby or Fort Dix).

RFP amend. 1, Attachment 2, Q&A #59.

other than that of the project manager, and the offerors' pricing strategies.⁵ However, the mere presence of risk in a solicitation does not make the solicitation inappropriate or improper. It is within the discretion of an agency to offer for competition a proposed contract that imposes maximum risks on the contractor and minimum burdens on the agency, and an offeror should account for this in formulating its proposal. JRS Mgmt., B-402650.2, June 25, 2010, 2010 CPD ¶ 147 at 5; TN-KY Contractors, B-291997.2, May 5, 2003, 2003 CPD ¶ 91 at 3. There is no requirement that a competition be based on specifications drafted in such detail as to completely eliminate all risk or remove every uncertainty from the mind of every prospective offeror. Abba Int'l, Inc. et al., B-311225.4, Feb. 2, 2009, 2009 CPD ¶ 28 at 7; AirTrak Travel et al., B-292101 et al., June 30, 2003, 2003 CPD ¶ 117 at 4. Risk is inherent in most types of contracts, and firms must use their professional expertise and business judgment in anticipating a variety of influences affecting performance costs. JRS Mgmt., supra; AirTrak Travel et al., supra. Based on the record before us, where the solicitation provides extensive and detailed estimates regarding the overall scale and magnitude of the agency's requirements, we conclude that the risk associated with the possible "occasional" requirement for overlapping scenarios, does not expose an offeror, such as Katmai, to an unacceptable or undue risk, or undermine the ability of offerors to compete intelligently and on a relatively equal basis.

Katmai also asserts that the incumbent contractors for Fort Dix and Fort Shelby have an unfair price advantage by virtue of their prior contract performance which the protester maintains provided them with knowledge of the extent to which the agency has historically ordered simultaneous training scenarios. We do not agree. Even assuming, as Katmai argues, that the challenged requirements favor the incumbents, an agency is not required to compensate for every competitive advantage gleaned by a potential offeror's prior performance of a particular requirement. For example, an incumbent contractor's acquired technical expertise and functional knowledge of the costs related to a requirement's complexity are not generally considered to constitute unfair advantages the procurement agency must

⁵ In response to a query by our Office, the contracting officer represented that the agency does not maintain historical data regarding the extent to which prior contractors have been required to perform multiple training scenarios on a given day. Memorandum for Record (Sept. 14, 2012). While the protester speculates that this representation is not accurate, we have no basis to question the agency's representation where the contracting officer explained that invoicing under the incumbent contract was done on a monthly basis based on total number of hours per labor category and the agency did not issue individual task orders for each training event. Moreover, the protester has not alleged, and there is nothing in the record to suggest, that the agency can reasonably anticipate the demands of future unit training schedules, which will necessarily dictate the performance of simultaneous scenarios at either Fort Dix or Camp Shelby, on a given day.

eliminate. Navarro Research and Eng'g, Inc., B-299981, B-299981.3, Sept. 28, 2007, 2007 CPD ¶ 195 at 4; Snell Enters., Inc., B-290113, B-290113.2, June 10, 2002, 2002 CPD ¶ 115 at 7. In any event, since the record reflects that the agency does not maintain the historical information in question, the agency could not level the playing field in the manner sought by the protester. See infra. note 5.

The protest is denied.

Lynn H. Gibson
General Counsel