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Decision

Matter of: Westar Aerospace & Defense Group, Inc.

File: B-408285; B-408285.2

Date: August 9, 2013

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DIGEST

1. Protest challenging agency's evaluation under experience factor is denied where the agency reasonably, and in a manner consistent with the terms of the solicitation, gave the protester less credit for its experience with helicopter program requirements that, in the agency's view, were not the same as the solicitation's helicopter program requirements.

2. Protest of evaluation is denied where agency reasonably determined that protester's quotation lacked sufficient detail regarding its functional approach.

DECISION

Westar Aerospace & Defense Group, Inc., of Huntsville, Alabama, protests the issuance of a task order to Aviation & Missile Solutions, LLC (AMS), also of Huntsville, under task order request for quotations (TORFQ) No. 2013T-05, issued by the Department of the Army, Army Aviation and Missile Command (AMCOM), under its Expedited Professional and Engineering Support Services (EXPRESS) Program, for technical lifecycle support services for Apache attack helicopter foreign military sales (FMS) operations of the International Apache Office. The protester challenges the agency's evaluation of proposals and the resulting best value selection decision.

We deny the protest.

BACKGROUND

AMCOM EXPRESS is a blanket purchase agreement (BPA) program utilizing General Services Administration (GSA) Federal Supply Schedule contractors to acquire advisory and assistance services in four domains, including the technical domain related to this protest. Contracting Officer (CO) Statement at 2. The solicitation, which was issued on November 30, 2012, to prime technical domain BPA holders, anticipated the issuance of a fixed-price, level-of-effort task order for up to 5 years on a best value basis for technical, analytical, engineering, security, and management support services throughout the pre-case/production phase and post-production phase of the Apache attack helicopter (AH-64) lifecycle. These support requirements, which are based on FMS customer requirements, provide for extensive interaction with foreign government representatives.

The PWS generally required the selected vendor to be experienced with FMS rules and operations and have a basic knowledge of the Apache helicopter and/or other United States Army Aviation rotary-wing platforms. More specifically, the PWS set out particular requirements for the contractor to provide technical expertise for the planning and lifecycle management of foreign Apache fleet programs. This work was to include preparation of briefing materials and participation in meetings, working groups, and conferences with international Apache helicopter customers in order to facilitate effective exchanges of fleet management information. Id. § 2.3 at 3-4.

The solicitation provided that the task order would be issued on a best value basis considering the following evaluation factors, listed in descending order of importance: (1) experience; (2) functional approach; (3) price; and (4) socio-economic support. Experience and functional approach combined, were substantially more important than price and socio-economic support combined. TORFQ, Evaluation Criteria, at 2. Under the experience factor, vendors were to submit up to three examples of their work demonstrating experience with all of the solicitation's PWS requirements, explain how the experience related to the PWS requirements, and note any significant impact of the effort. Id., Quotation Contents, at 1. The TORFQ indicated that the agency would evaluate the depth and breadth of each vendor's experience with the PWS tasks as well as experience with the systems supported by the PWS. The solicitation noted that if vendors did not have direct experience supporting the Apache system to be supported here, experience gained on related systems would be evaluated. Id., Evaluation Criteria, at 1.

Under functional approach, the solicitation instructed vendors to provide a complete, clear and accurate description of the proposed approach to accomplish each of the requirements of the PWS; describe the role and efforts to be performed by any proposed team members and/or subcontractors; and set forth the corresponding management approach to organize, direct and control performance. Id., Quotation Contents, at 1. Vendors were also specifically instructed to describe the basis for

proposed labor categories and hours. Id. According to the solicitation, the agency planned to evaluate the vendor's understanding and knowledge of the solicitation requirements, the adequacy and feasibility of the proposed labor categories/hours, the proposed use of team members/subcontractors, and the ability to organize, direct and control the required effort in a manner that assures high quality and cost effective performance.¹ Id.

With respect to price, the TORFQ included anticipated labor categories and estimated labor hours per country, and vendors were required to apply proposed task order labor category rates to proposed labor hours, mapping their GSA schedule labor categories and rates to the TORFQ's BPA labor categories. Id., Evaluation Criteria, at 1; Quotation Contents, at 1-2.

For the socio-economic support factor, the TORFQ advised that the agency would evaluate the extent of each vendor's support of small business/socio-economic programs, to include considering whether the vendor itself was a small business and whether the vendor's quotation provided for performance of a majority of the effort by small businesses. Id., Evaluation Criteria, at 1.

The Army received quotations from seven BPA holders, including Westar and AMS, the incumbent contractor. Westar had the lowest price at \$24,716,375.22 and received ratings of satisfactory for experience, marginal for functional approach, and marginal for socio-economic support. AMS's quotation had a price of \$31,835,609.47 and received ratings of very good for experience, very good for functional approach, and marginal for socio-economic support.² Source Selection Decision Document (SSDD) at 1. The Source Selection Authority (SSA) reviewed the evaluation record and concluded that AMS's technical superiority and lower risk, including the firm's more relevant, extensive and direct experience with all of the PWS tasks for the specific Apache system to be supported under the task order, and its more detailed functional approach that included an exceptional labor mix with senior personnel, among other cited technical benefits, outweighed its higher price as compared to the performance risks found in Westar's lowest-priced, technically inferior quotation. Accordingly, the SSA concluded that AMS's quotation presented the best value to the agency. After receiving a debriefing, which identified its various evaluated weaknesses, Westar filed this protest.

¹ Available ratings for the experience and functional approach evaluation factors ranged from marginal to outstanding.

² All quotations were priced below the agency's independent cost estimate for the work. Agency Report (AR) at 14.

DISCUSSION

Westar protests the evaluation of, and, specifically, the weaknesses cited in, its quotation. We have reviewed all of the protester's contentions and find that none provides a basis for questioning the propriety of the award. We discuss a representative sampling of the challenges in this decision.

In reviewing protests of alleged improper evaluations and source selections, our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the solicitation's stated evaluation criteria and applicable procurement laws. See Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's responsibility to submit an adequately written quotation that establishes its capability and the technical merits of its proposed approach, and allows for a meaningful review by the procuring agency in accordance with the evaluation terms of the solicitation. See Verizon Fed., Inc., B-293527, Mar. 26, 2004, 2004 CPD ¶ 186 at 4.

Experience Factor

Westar challenges the Army's evaluation of its experience as satisfactory. By way of example, Westar argues that its rating should have been higher in light of its experience providing technical and FMS support in connection with the Iraqi Armed Forces (Iraqi Army (IA)) IA-407 helicopter. According to Westar, the agency was required by the terms of the solicitation to treat its IA-407 experience as equal to that of a vendor with direct Apache helicopter support services experience. The protester contends that equal treatment was required where the solicitation expressly provided that experience with systems related to the Apache helicopter could be submitted under the experience factor--Westar considers the IA-407 helicopter to be a related system. Westar's challenge in this regard is without merit.

As an initial matter, the TORFQ advised vendors that if they lacked system-specific Apache experience, they could submit experience with related systems. It did not provide, as Westar suggests, that such experience would automatically be given equal weight or credit in the agency's evaluation. Our Office has long held that a firm with more relevant experience may be evaluated more highly than a firm with less relevant experience. Sigmattech, Inc., B-406288.2, July 20, 2012, 2012 CPD ¶ 222 at 7; Sage Diagnostics, B-222427, July 21, 1986, 86-2 CPD ¶ 85 at 3.³

³ To the extent the protester contends the agency has overstated its needs in requiring Apache-specific FMS meeting support or other direct PWS experience, we consider the argument to be an untimely challenge to the terms of the solicitation, since the solicitation provided for evaluation of direct PWS experience. Under our Bid Protest Regulations, challenges to the terms of a solicitation must be raised prior to the closing time for receipt of quotations. 4 C.F.R. § 21.2(a)(1) (2013).

Moreover, the record supports the reasonableness of the agency's finding that Westar's quotation reflected only moderate experience with the PWS tasks through its FMS work with the IA-407 helicopter, and therefore did not warrant a higher than satisfactory rating. Although the agency gave Westar some credit for having performed work similar to that required by the PWS, the agency considered Westar's experience with the IA-407 aircraft to have limited application to experience with the Apache AH-64. In the agency's view, the IA-407 is a commercial aircraft that, although adapted for military use for certain FMS purchasers, lacks certain features found in the Apache AH-64 attack helicopter.

Although Westar does not dispute the agency's characterization of the IA-407 as a military helicopter adapted from a commercial platform, it fundamentally disagrees with the agency's decision to discount the relevance of its experience with the IA-407. As the agency reports, however, Westar first provided details about what it describes as the technical similarities in the two helicopter systems in its comments on the agency's report responding to its protest. Westar provided no such explanation with its quotation; accordingly, there was no basis for the agency to have considered the information. See Verizon Fed., Inc., supra (it is a vendor's responsibility to submit an adequately written proposal demonstrating its merits and capability).

We also reject the protester's allegation that the evaluators inconsistently cited a strength for Westar's extensive experience with certain Apache retrofit work, yet assigned it a weakness for lack of Apache-specific experience performing the PWS requirements for meetings and facilitation. TORFQ, PWS § 2.0 at 1. The agency responds that it gave the protester credit for the PWS requirements related to the retrofit work, but concluded that the retrofit work was unrelated to the PWS requirements for meetings and facilitation. In this regard, the cited weakness concerned the protester's lack of meetings and facilitation work with Apache FMS customers as required by the PWS. The evaluators and SSA were concerned that Westar's lack of direct experience with Apache FMS customers in the area of meetings and facilitation presented a moderate programmatic risk. The agency maintains that Apache-specific PWS experience was important for effective communication with customers and other meeting participation addressing the Apache system. Westar Experience Evaluation Worksheet at 4; SSDD at 5. We have no basis to find the agency's evaluation in this regard unreasonable.

Functional Approach Factor

Westar also protests the various weaknesses which resulted in its marginal rating under the functional approach factor. For example, the agency assigned Westar a weakness for failing to provide relevant information concerning the role and responsibilities of its subcontractor, which was to perform approximately 50 percent of the work. As noted above, the TORFQ required firms to describe the roles and

efforts of their subcontractors. TORFQ, Quotation Contents, at 1. The record reflects that the protester's discussion of the role of its subcontractor was general in nature, indicating that it would be "integrated," the relationship was "unique" and that the firms would function as "one seamless [t]eam." Westar Quotation, Functional Approach, at 1 and 11. The quotation does not detail the specific approaches that would be taken or explain how the firms will work together in performance of all of the tasks. Elsewhere in its quotation, Westar indicates that it has confidence in its subcontractor, that it met with the subcontractor to discuss "how each company can best add value," and that it will work with the customer and subcontractor "to select the right resources to enhance mission success." Westar Quotation, Socio-Economic Support, at 1. However, Westar's quotation does not detail any of these discussions or plans. Based on this record, we have no basis to question the weaknesses assessed by the agency in this area.

The agency also downgraded the quotation for failing to adequately explain its proposed use of personnel. This failure to provide a clear labor mix methodology was found to present a high risk to performance. Vendors were specifically required to describe the basis for their proposed labor categories and the number of hours proposed per labor category. TORFQ, Quotation Contents, at 1. Westar's quotation proposed a series of eight skill levels (SL) of analyst/logistician personnel. For the 5-year task order, Westar, without explanation, quoted for itself, and somewhat similarly for its subcontractor, only [deleted] labor hours for seven of the eight analyst levels it proposed, but [deleted] hours for its analyst/logistician SL 5 labor category. Westar Quotation, AR, Tab 6.5, at 1. The SL 5 analyst level it proposed slightly exceeds the minimum years of education and experience required for the TORFQ's senior analyst position, however, the protester's quotation did not explain why it was proposing to use lower level analysts for the vast majority of work with little reliance on the five higher analyst skill levels proposed by the firm.⁴ The agency also reports a concern that Westar's GSA schedule contract description of its analysts does not mirror the BPA's senior analyst description. Rather, as the agency points out, the protester's description of its higher-priced engineer/scientist/physicist labor category, which was not proposed by Westar, in fact mirrors the agency's description of the senior analyst category which was anticipated by the TORFQ.⁵ The quotation was assessed as presenting increased

⁴ The Westar quotation included additional labor categories and hours for program management, task leadership and administrative work. Id.

⁵ We do not find persuasive the protester's suggestion that its proposed analyst/logistician labor category should not have been questioned because the firm has used it to do more than half a billion dollars in assorted task order support work, some of which the firm contends involved similar work; each procurement must stand on its own. See Parmatic Filter Corp., B-285288, B-285288.2, Aug. 14, 2000, 2000 CPD ¶ 185 at 7.

risk due to its failure to explain the adequacy of its proposed labor mix and methodology, as required.

We find the evaluation reasonable given Westar's failure to provide an adequately detailed explanation of how it intends to use its personnel. As described above, the firm did not explain its minimal use of higher-level analysts, and, only generally presented its proposal of a two-team approach without providing detail about the personnel involved, their responsibilities, or the work to be performed by each team. As stated above, the TORFQ set out requirements for a complete, clear and accurate explanation of the vendor's intended functional approach. Westar has not shown that the agency's determination that the firm's relatively unknown approach, particularly regarding its lack of detail about its labor mix methodology, was unreasonable.⁶

Socio-Economic Factor

Westar also argues that it should have received a comparatively higher rating than AMS under the socio-economic support factor, the least important non-price factor. Westar points out that it proposed to subcontract 49.2 percent of the effort to a small business subcontractor, whereas AMS proposed to subcontract [deleted] percent to a small business. According to Westar, the agency was required to consider the relative extent of a vendor's support for small business concerns.

The record reflects that the agency assigned both firms a marginal rating under this evaluation factor since both firms are large businesses, and neither proposed to have a majority of the work performed by small business concerns. In our view, the marginal ratings were not unreasonable where the terms of the TORFQ expressly advised that the agency's evaluation would consider whether a vendor was a small business, and whether the vendor provided for a majority of the effort to be performed by small business concerns.⁷

⁶ The protester also challenges the higher rating of very good received by the AMS quotation for functional approach, and specifically the evaluated strengths assigned for AMS's proposed use of personnel. We have reviewed the protester's contentions and find that they do not provide a basis to question the reasonableness of the evaluation. The record supports, for instance, the strength assigned for AMS's [deleted]. In this regard, AMS proposed [deleted]. We also find reasonable the evaluation of the firm's explanation of its [deleted]. AMS Quotation, Functional Approach at 9-10; SSDD at 5-6. The protester provides no basis to question the higher functional approach rating received by the successful vendor.

⁷ Westar also argues that the agency's best-value tradeoff decision was flawed due to the underlying evaluation errors cited in its protest. Because, as discussed above, we find no basis to question the propriety of the underlying evaluation, we need not address this issue further.

The protest is denied.

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General Counsel