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Decision

Matter of: Research Analysis & Maintenance, Inc.

File: B-409024

Date: January 23, 2014

Theodore P. Watson, Esq., and Nicole L. Carter, Esq., Watson & Associates, LLC, for the protester.

J. Cobbie de Graft, Esq., Law Offices of J. Cobbie de Graft, for X-EETO, Inc., the intervenor.

Kristen M. Nowadly, Esq., General Services Administration, for the agency.

Jennifer D. Westfall-McGrail, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest objecting to evaluation of protester's proposed staffing plan based on comparison to undisclosed government estimate is denied where protester fails to demonstrate that (1) government estimate was inflated, or (2) agency failed to take into account the specifics of protester's proposed approach in evaluating sufficiency of its proposed staffing.

DECISION

Research Analysis and Maintenance, Inc. (RAM), of El Paso, Texas, protests the issuance of an order, by the General Services Administration (GSA), to X-EETO, Inc., of Miami, Florida, pursuant to request for quotations (RFQ) No. ID02130029. The procurement, which was conducted by GSA on behalf of the U.S. Southern Command (SOUTHCOM), sought information technology (IT) support services. The protester challenges the agency's evaluation of its quotation and the best-value selection decision.

We deny the protest.

BACKGROUND

The RFQ, which sought enterprise level command, control, communications, computers and IT support services, was issued on July 10, 2013, under Federal Acquisition Regulation (FAR) Subpart 8.4, to vendors who hold contracts under

GSA's Federal Supply Schedule (FSS) No. 70. The RFQ contemplated the issuance of a single task order with fixed-price and time-and-materials requirements, for an initial base period of performance and four 1-year options. The RFQ advised vendors that the order would be issued on a best-value basis, considering two factors, technical and price, with technical being of significantly greater importance than price. The technical factor was comprised of three subfactors: (1) explanation/demonstration of how the vendor will maintain SOUTHCOM's IT; (2) vendor's staffing plan; and (3) past performance. Agency Report (AR), Tab 1, RFQ Instructions to Quoters at 4. The RFQ advised that within the technical factor, the second subfactor was significantly more important than the first.¹ The solicitation further advised that proposals would be rated under the technical factor as outstanding, good, acceptable or unacceptable, and that to be considered for award, a quotation had to be rated as acceptable or better.

Of relevance to this protest, the IT support services to be furnished included support for the headquarters of the Special Operations Command South (SOC SOUTH).² AR Tab 2, Performance Work Statement (PWS) at ¶ 3.22. Subparagraph 3.22.2 of the PWS listed 12 categories of support to be furnished to SOC SOUTH (e.g., network and systems administration services, web administration, desktop VTC [video teleconference] support, and life-cycle management), and subparagraphs 3.22.3 through 3.22.10 provided further detail regarding various categories of required support.³ In response to a vendor question, the agency indicated that historically, the number of full-time equivalents (FTEs) supporting the SOUTHCOM contract had been 77-90; the agency did not, however, provide information as to the number of FTEs historically supporting the SOC SOUTH requirements.

¹ The solicitation did not furnish guidance as to the relative weight of past performance vis-à-vis the other two subfactors; the absence of such guidance is not a matter of significance to this protest.

² In response to a vendor question asking whether the SOC SOUTH work was "currently part of the incumbent contract" or "new scope being added to this contract," the agency indicated that it was "new scope." Question 110, Questions and Answers, July 23, 2013. In response to a further question seeking information as to the identity of the incumbent, the agency explained that "McAulay-Brown is the incumbent for all but the SOC SOUTH (part 3.22) requirement, which is Dell." Question 118, Id. (In other words, while SOC SOUTH IT support services had not previously been acquired as part of the SOUTHCOM contract, they had previously been acquired.)

³ Not all of the 12 categories of support listed in subparagraph 3.22.2--life-cycle management, for example--were further described in subparagraphs 3.22.3 through 3.22.10.

Two of the subparagraphs providing further detail regarding the required SOCSOUTH support are of particular significance to this protest: 3.22.7 (Deployment Support) and 3.22.10 (Desktop Video Teleconference Support). Subparagraph 3.22.7 described the deployment support requirements as follows:

- Provide software and hardware support for [SOCSOUTH] deployments
- Support includes the setup, configuration, operation, troubleshooting, and maintenance of the JTF SOF [Joint Task Force Special Operations Force] – servers and workstations, for the JTF NIPRNET [Non-Secure Internet Protocol Router Network], and the JTF SIPRNET [Secure Internet Protocol Router Network] LAN [local area network] when deployed during exercises, crises, and/or wartime.

Further, subparagraph 3.22.10 described the VTC support requirements as follows:

- Maintain server software configuration settings,
- Assist users with troubleshooting setup or VTC connection problems.

AR, Tab 2, PWS §§ 3.22.7, 3.22.10.

While, as previously noted, the agency did not provide vendors with a staffing estimate for the SOCSOUTH requirements, it did have an internally prepared estimate that it used in evaluating the quotations. The government's staffing estimate for the SOCSOUTH work was [deleted] FTEs, which included [deleted] FTEs for deployment support, [deleted] for logistical support, and [deleted] for VTC support.

Ten vendors submitted quotations prior to the specified due date of August 16. After reviewing the quotations, agency evaluators assigned RAM's quotation a technical rating of unacceptable and X-EETO's quotation a technical rating of outstanding. The evaluators identified a number of strengths in the protester's quotation, including its staffing plan of [deleted] FTEs for SOUTHCOM, its good understanding and explanation/demonstration of how it would meet the solicitation requirements, and its low risk past performance; however, they also found that the quotation contained a weakness and deficiencies that made it unacceptable.

The evaluators identified RAM's "incomplete staffing plan of [deleted] FTEs for SOCSOUTH," as a deficiency. AR, Tab 4, Technical Evaluation Report, Sept. 18, 2013, at 10.⁴ The evaluators identified as a further deficiency the protester's

⁴ As noted by the evaluators, the staffing positions proposed by RAM were in the following areas: lead/system administrator, system administration (2), network
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unacceptable approach to providing deployment, VTC, and life-cycle management support for SOCSOUTH. In the foregoing connection, the evaluators found as follows:

- No dedicated Deployment Support FTE for SOCSOUTH, which is fewer than the Government's estimated need for [deleted] FTEs to provide software and hardware deployment support, to include the setup, configuration, operation, troubleshooting, and maintenance of the [JTF SOF's] servers and workstations, JTF NIPRNET LAN, and JTF SIPRNET LAN when deployed during exercise, crises, and/or wartime. Sharing this function with the same FTEs that provide the non-deployable requirements is an unacceptable approach as it would cause a high-risk void in the support of one or the other missions.
- [Deleted] dedicated VTC FTE for SOCSOUTH, which is fewer than the Government's estimated need for [deleted]. RAM's staffing plan does not specify which of the above positions will perform the VTC function; however, sharing this function is an unacceptable approach as it might result in SOCSOUTH being unable to operate its critically important VTC systems when the positions above are busy supporting other critical missions.
- [Deleted] dedicated Lifecycle Management FTE for SOCSOUTH, which is fewer than the Government's estimated need for [deleted]. While one of the positions above may share the responsibility of planning for the lifecycle technology refresh, expecting the same position to also perform the full gamma of lifecycle management functions--such as procurement, device management, property accountability, and disposal--is an unacceptable approach due to the different skill sets required and the high risk of mission failure. The quote does not address how the quoter will accomplish this work without a Lifecycle Management FTE.

Id. at 10-11. In addition to the above deficiencies, the evaluators identified the following as a significant weakness in the protester's technical approach: "filling and retaining key positions may be difficult due to proposing much lower salaries than what key incumbents are currently making, which makes some salaries unrealistic for the South Florida labor market." Id. at 10.

X-EETO's quotation was both the highest-rated technically and the highest in price. The contracting officer concluded that as a result of its technical superiority, X-EETO's quotation represented the best value to the government. On

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administration (2), information assurance, sharepoint/SW/web, and desktop support.

September 20, the contracting officer issued the order to X-EETO, and, on September 23, he notified the unsuccessful vendors of their non-selection. The protester sought additional information regarding the selection decision from the contracting officer, which, pursuant to FAR § 8.405-2(d), he furnished on September 28. RAM subsequently filed a timely protest with our Office.

DISCUSSION

The protester challenges the agency's evaluation of its quotation, arguing that the evaluators lacked a reasonable basis for their findings of deficiency and weakness. The protester also argues that the agency's best-value tradeoff determination was flawed.

In reviewing protests of an agency's evaluation and source selection decision in procurements conducted under Federal Supply Schedule procedures (i.e., FAR § 8.4), we do not conduct a new evaluation or substitute our judgment for that of the agency. Rather, we examine the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation. U.S. Information Techs. Corp., B-404357, B-404357.2, Feb. 2, 2011, 2011 CPD ¶ 74 at 8-9.

The protester argues that the evaluators found its proposed staffing plan inadequate based on comparison to the government staffing estimate.⁵ RAM contends that this was improper for two reasons: (1) the agency estimate was inflated, and (2) the agency relied upon a mechanical application of the undisclosed estimate, without taking into account the specific features of the protester's approach. In connection with its argument that the estimate was inflated, the protester maintains that it successfully furnished the services in question with a staff of eight for 10 years ending in December 2011. The protester further argues that it had to rely on its own experience providing the services to determine the required staffing level because the solicitation did not provide vendors with any workload data or estimates. In connection with its second argument, the protester argues that the agency failed to reasonably consider its approach to performing the requirement, which is to use the same individuals to perform multiple functions. RAM argues in this regard that deployment support does not require any skill sets not provided by the [deleted] positions that it proposed, and that support services during deployments can be provided by the same individuals who provide support services during periods of non-deployment. The protester further argues that the VTC and life-cycle management support services are not so significant as to require a dedicated FTE.

⁵ RAM also alleged initially that the agency had based its estimate on X-EETO's proposed staffing levels. The agency rebutted this allegation by furnishing a redacted copy of the agency estimate, which showed that it had been prepared prior to issuance of the RFQ.

The protester's claims regarding the nature of the requirements, however, are essentially unsupported and inconsistent with the record. In this regard, RAM has failed to establish that the services it previously provided are identical to the services solicited here--that is, while RAM's position appears to be that the PWS in the solicitation that resulted in the prior award is identical to the PWS here, it has not offered any evidence that this is, in fact, the case.

Moreover, the protester's understanding of the requirements appears to be that the requirements during deployment are essentially identical to those during non-deployment, and, thus, that they can be addressed by the same staff providing non-deployment support. In this regard, the protester asserts that additional personnel are not required to support deployments because "after deployment, users establish communication with SOCSOUTH and once connected, the users would have full access to the IT support at SOCSOUTH;" that is, "the same Systems and Network Administrators at SOCSOUTH that provide support onsite will provide support during deployment." Protester's Comments, Nov. 27, 2013, at 12. This understanding of the deployment requirements, however, is at odds with the agency's un rebutted representations that the requirements associated with deployment support involve the maintenance of separate equipment, and that additional staffers are required to perform these maintenance services. That is, according to the agency, additional personnel are required to support the deployment requirement not because there are separate IT support requirements during deployments, but rather, because the requirements include maintaining separate equipment in a deployable state. Specifically, the agency explains that:

[Deployment support] services include software and hardware support which includes the setup, configuration, operation, troubleshooting, and maintenance of all hardware identified for deployment. This equipment resides in containers and must be set up, checked, and updated with security patches continuously so the command is prepared at all times for real-world contingencies, crises, wartime, as well as exercises. The Government determined that these additional services required additional people.

Agency Supplemental Comments, Jan. 9, 2014, at 4.

Where the protester's staffing levels were based on its apparent failure to apprehend the solicitation requirements, we have no basis to question the reasonableness of the agency's concerns regarding with that approach.⁶

⁶ To the extent that the protester is now complaining that the RFQ did not include sufficient information regarding the scope and volume of the SOCSOUTH services to be provided to permit vendors to assess the level of staffing needed, its complaint is untimely. To be timely, any objection to the terms of the RFQ would have needed
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With regard to RAM's argument that the agency mechanically applied an undisclosed estimate in evaluating the protester's staffing plan, an agency may properly rely on its own undisclosed estimates so long as it considers whether the specifics of a particular offeror's approach might justify a deviation from the agency's estimate. Orion Tech., Inc.; Chenega Integrated Mission Support, LLC, B-406769 et al., Aug. 22, 2012, 2012 CPD ¶ 268 at 3. Accordingly, a protester must establish that the specifics of its approach resulted in a deviation from the government estimate in order to show that the government acted unreasonably. Cantu Servs., Inc., B-408012, B-408012.2, May 23, 2013, 2013 CPD ¶ 135 at 6.

Here, while the protester contends that its approach was to use the same employees to perform multiple functions, it has not demonstrated how this approach would allow it to perform the required functions with substantially fewer FTEs than the agency estimate. Moreover, it was not apparent from the protester's proposal that its approach involved using the same staffers to support multiple requirements. For example, while the protester argues that it planned to support deployments and provide VTC/life-cycle management support with the same staffers supporting other requirements, this plan was not evident from the protester's proposal--the proposal did not explain which staff positions would be providing deployment, VTC, and life-cycle management support. A firm has the responsibility to submit a well-written quotation, with adequately detailed information which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. ProActive, LLC, B-403545, Nov. 18, 2010, 2011 CPD ¶ 56 at 5. A firm that does not affirmatively demonstrate the merits of its quotation risks rejection of its quotation or risks that its quotation will be evaluated unfavorably where it fails to do so. Johnson Controls, Inc., B-407337, Nov. 20, 2012, 2012 CPD ¶ 323 at 3. Based on the record in this case, we have no basis to question the reasonableness of the agency's evaluation of RAM's vague and unsupported staffing approach.⁷

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to be filed prior to the due date for receipt of quotations. See Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (2013).

⁷ Because we find that the agency had a reasonable basis for finding that the protester's staffing plan was inadequate, and, on this basis, determining its proposal to be unacceptable, we do not address the protester's argument pertaining to the finding of significant weakness or its argument that the agency improperly failed to consider the strengths of its proposal in deciding which proposal represented the best value to the government.

The protest is denied.

Susan A. Poling
General Counsel