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Decision

Matter of: ManTech Advanced Systems International, Inc.

File: B-409596; B-409596.2

Date: June 13, 2014

Paul F. Khoury, Esq., and Tracye Winfrey Howard, Esq., Wiley Rein LLP, for the protester.

Nathanael D. Hartland, Esq., Raymond F. Monroe, Esq., Katherine B. Hill, Esq., and Stephen P. Ramaley, Esq., Miles & Stockbridge, P.C., for Sotera Defense Solutions, Inc., the intervenor.

Debra J. Talley, Esq., and Janet K. Baker, Esq., Department of the Army, for the agency.

Todd C. Culliton, Scott H. Riback, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where the solicitation expressly established a page limitation for technical proposals, the agency reasonably declined to consider those pages of the protester's proposal which exceeded the page limitation.

DECISION

ManTech Advanced Systems International, Inc., of Fairfax, Virginia, protests the issuance of a task order to Sotera Defense Solutions, Inc., of Herndon, Virginia, under Task Order Request (TOR) No. SSES-2013, issued by the United States Army Contracting Command for operation of the Worldwide Intelligence Systems Field Software Engineering Support program.¹ ManTech argues that the Army acted unreasonably by not evaluating the final 10 pages of its technical proposal and, as a consequence, improperly assigned its technical proposal various deficiencies.

¹ The value of this task order is in excess of \$10 million. Accordingly, this procurement falls within our jurisdiction to hear protests related to the issuance of task orders under multiple-award indefinite-delivery, indefinite-quantity contracts. 10 U.S.C. § 2304c(e)(1)(B).

We deny the protest.

BACKGROUND

Under the Software and Systems Engineering Services Next Generation (SSES NextGen) multiple-award indefinite-delivery, indefinite-quantity contract vehicle, the agency obtains post-production and post-deployment software support to components of the Army's communications command center. Agency Report (AR) at 4. The Army issued the subject TOR on January 17 to SSES NextGen contract holders for issuance of a cost-plus-fixed-fee task order to provide management, administrative, and technical support to Army personnel. Id. The contemplated order has a one-year base period plus one option year. TOR at 1.

Section 3 of the TOR advised that the agency would evaluate each submission based on two factors: (1) technical/risk and (2) cost/price, with the technical/risk factor being of greater importance than the cost/price factor. TOR at 14. Proposals evaluated as "technically unacceptable," would not be further evaluated under the cost/price factor. Id. at 16. Accordingly, a "technically unacceptable" rating rang the death knell for a proposal.

As amended, section 2.1.3 of the TOR limited the technical volume of proposals to 80 pages. TOR at 4. Question & Answer (Q&A) documents issued as part of the TOR established that the page limitation was "all-inclusive (e.g., includes all pages--cover to cover);" explained that the DD Form 254 must be within the 80-page limit; and emphasized that "ALL DOCUMENTS WILL BE INCLUDED IN THE PAGE LIMITATION." Q&A Responses, Jan. 16, Questions 1 and 24; Q&A Responses, Jan. 22, 2014, Question 19.

In response to the TOR, the agency received three timely proposals, including those from ManTech and Sotera. Agency Report at 6. In evaluating ManTech's proposal, the agency's evaluation team found that ManTech's technical volume exceeded the TOR's page limitation. More specifically, ManTech's technical proposal included 11 pages of introductory material consisting of a cover letter, a table of contents, and an acronym list. Counting from ManTech's cover letter, the record indicates that the agency evaluated only the first 80 pages of ManTech's technical volume, stopping at page 68. AR at 11-12.²

² Although the protester asserts that the Army "chose not to evaluate the last 11 substantive pages of ManTech's proposal, numbered 70-80," the record indicates that ManTech's technical volume in fact concluded on page 78 following the inclusion of its DD Form 254. ManTech technical volume at 78.

With the scope of its evaluation limited to the first 80 pages of ManTech's technical volume, the agency's evaluation team assigned ManTech's proposal five deficiencies. Chief among the deficiencies were ManTech's failure to provide a Management and Administrative (M&A) plan, its failure to provide a Quality Control Plan, and its failure to provide DD Form 254 as part of its technical volume. Final Evaluation Report at 2-4. Based on these deficiencies, the agency rated ManTech's proposal as technically unacceptable. *Id.*³ As explained above, this rating precluded ManTech's proposal from proceeding to the cost evaluation stage.

On February 26, 2014, the Army issued the task order to Sotera, and informed ManTech of its decision. AR at 8. On March 6, 2014, ManTech received a debriefing and then filed the subject protest with our Office.

DISCUSSION

ManTech argues that the Army unreasonably excluded from consideration the 10 pages from its technical volume that exceeded the 80-page limitation. In this regard, ManTech complains that it was unreasonable for the Army to consider the cover letter, table of contents, and acronym list in its page calculation; instead, the Army should have excluded these introductory pages in favor of considering the final 10 pages. Had the agency properly considered this information, the Army would not have assigned its proposal several deficiencies because the relevant information was included in the final 10 pages of its technical proposal.⁴

As a general matter, offerors must prepare their proposals within the format limitations set out in an agency's solicitation, including any applicable page limits. TechSys Corp., B-278904.3, Apr. 13, 1998, 98-2 CPD ¶ 64 at 10; see also All Star Maintenance, Inc., B-244143, Sept. 26, 1991, 91-2 CPD ¶ 294 at 3-4; Infotec Dev., Inc., B-238980, July 20, 1990, 90-2 CPD ¶ 58 at 4-5. Offerors that exceed a solicitation's established page limitations assume the risk that the agency will not consider the excess pages. TechSys Corp., *supra*, at 11. In those instances where a solicitation has established clear page limitations, we have held that an agency is not obligated to sort through an offeror's proposal to decide which pages should or should not be counted toward that limitation. *Id.* at 11-12.

³ ManTech contends that it included this information in the final 11 pages of its technical volume that the Army disregarded. Protest at 6-8.

⁴ ManTech also challenges various other aspects of its evaluation as unreasonable or reflective of disparate treatment. Because we find that the agency reasonably did not consider the final 10 pages of ManTech's technical volume, and as a consequence, reasonably identified several deficiencies which rendered ManTech's proposal technically unacceptable, we need not address ManTech's additional arguments concerning the relative merits of its proposal.

Here, the TOR clearly established an 80-page limit for the technical volumes, and in response to specific questions concerning this limit, the Army clarified that any page submitted would be included in the page count. Thus, ManTech was on notice both of the 80-page limitation and that any and all pages, including cover letters, table of contents pages, and acronym lists, would be considered in the page calculation. Under these circumstances, the Army reasonably counted the first 80 pages of ManTech's technical volume as within the page limit and properly declined to consider the additional portions of ManTech's technical volume that exceeded the stated limit. See Centech Group, Inc., B-278904, Apr. 13, 1998, 98-1 CPD ¶ 149 at 10.⁵

With the technical evaluation reasonably limited to the first 80 pages of ManTech's technical volume, we also find that the agency reasonably assigned ManTech a technical rating of unacceptable. When reviewing an agency's evaluation, we will not reevaluate the technical proposals; rather, we will examine the agency's evaluation only to ensure that it was reasonable and consistent with the TOR's stated criteria. Clean Service Company, Inc., B-281141.3, Feb. 16, 1999, 99-1 CPD ¶ 36 at 7.

The TOR expressly required each firm to submit: (1) a document identifying the proposed qualifications, skills, education, certifications, and security clearance levels for each proposed Management and Administrative position; (2) a Quality Control Plan which ensures continuation of quality control processes; and (3) a completed DD Form 254. TOR at 5-6. Furthermore, the TOR advised that failure to address these requirements could result in a proposal being rejected or rated as unacceptable. Id. at 18.

The record reflects, and ManTech concedes, that the relevant documents addressing the above requirements were set forth in the pages of ManTech's

⁵ ManTech cites our decision in Trident Sys. Inc., B-243101, June 25, 1991, 91-1 CPD ¶ 604 at 13-17, in support of its argument that the Army should have considered the substantive pages as opposed to the introductory pages of its technical volume. First Supplemental Protest at 3-5. Trident is distinguishable, however, from the case at hand. In Trident, we denied a protest where an agency interpreted a solicitation's page limitation as applying to the substantive portions of an awardee's technical volume and the protester failed to demonstrate that it had suffered prejudice as a consequence of the agency's interpretation. The agency's exercise of discretion in Trident does not require similar action by the agency here. In addition, the solicitation in Trident did not include the same express language as used in the solicitation that is the subject of this protest, providing that the page count would be based on all pages, "cover to cover."

technical volume that were excluded from consideration by the agency.⁶ See Protest at 6-8. Since, as discussed above, the agency reasonably excluded these pages, and these omissions constituted deficiencies because they demonstrated a material failure to meet the Army's TOR requirements, the Army reasonably assigned ManTech's technical volume an unacceptable rating.

The protest is denied.

Susan A. Poling
General Counsel

⁶ Even though we only discuss these three requirements, we note that all five deficiencies constitute a material omission.