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Decision

Matter of: LexisNexis Risk Solutions FL Inc.

File: B-410595; B-410595.2

Date: January 7, 2015

Michael A. Hordell, Esq., and Kristopher Berr, Esq., Pepper Hamilton LLP, for the protester.

Joseph P. Hornyak, Esq., and Megan M. Jeschke, Esq., for Equifax Information Services, LLC, the intervenor.

Uri R. Ko, Esq., and Ryan M. Warrenfeltz, Sr., Esq., Social Security 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 alleging that awardee's proposal failed to describe data sources that could be used to verify identities of individuals without credit histories is denied where record does not support protester's allegations pertaining to content of awardee's proposal.

DECISION

LexisNexis Risk Solutions FL Inc., of Washington, DC, protests the award of a contract to Equifax Information Services, LLC, of Atlanta, GA, under request for proposals (RFP) No. SSA-RFP-14-1018, issued by the Social Security Administration (SSA) for e-authentication services. The protester challenges the agency's technical evaluation of Equifax's proposal and the price evaluation of its own proposal.

We deny the protest.

BACKGROUND

The RFP, issued on May 27, 2014, sought a web-based software solution to assist the SSA in verifying the identity of its on-line customers. Of relevance to this protest, the solicitation required that the proposed software solution "be capable of verifying individuals' data regardless of race, income, gender, and location," and

that it “have the capability to accurately verify information for all consumers including disadvantaged populations for whom the government may not have robust data.” RFP, at 0077.

The RFP contemplated the award of a 90-month¹ indefinite-delivery/indefinite-quantity contract to the offeror whose proposal represented the best value to the government, with non-price factors significantly more important than price in the determination of best value. Non-price factors, in descending order of importance, were technical approach, past performance, relevant experience, transition plan, and compliance with Section 508 and SSA’s accessibility requirements. Under the technical approach factor, offerors were to “address [their] ability to successfully provide SSA with accurate and robust data in service of this contract for a broad set of devices and individuals, including disadvantaged populations (e.g. low income, young, Native American, transient).” Id. at 0059.

The RFP requested pricing on two line items. Under CLIN 0001, offerors were to furnish fixed prices on a per transaction basis for each of five tasks (basic identify verification, verification for in-person identity proofing, out-of-wallet question generation, out-of-wallet response scoring, and client device risk assessment).² The solicitation included a CLIN 0001 pricing matrix with estimated quantities for each task for each period of performance. Under CLIN 0002, offerors were to furnish fully-loaded hourly billing rates for each of nine labor categories “necessary to provide ongoing development, migration, and implementation support to ensure changing business requirements are met.” RFP, at 0063. The RFP also included a CLIN 0002 pricing matrix with estimated quantities for each labor category for each period of performance.

Three offerors, including the protester and Equifax, submitted proposals by the June 17, 2014 closing date. The agency evaluated the proposals, established a competitive range consisting of all three, conducted discussions with each offeror, and requested final proposal revisions (FPR), due on August 28. Final ratings and evaluated prices for the proposals were as follows:

Offeror	Technical Approach	Past Performance	Experience	Transition Plan	Evaluated Price
Equifax	Excellent	Excellent	Excellent	Excellent	\$26,027,987
Offeror A	Excellent	Excellent	Excellent	Excellent	\$30,577,677
LexisNexis	Excellent	Good	Excellent	Excellent	\$31,556,850

¹ The 90-month ordering period was comprised of a 12-month base period, six 12-month option periods, and a 6-month option to extend service.

² Offerors were also to provide an annual price for a sixth task (technical support).

AR, Exh. 8, Final Technical Evaluation Report, Aug. 29, 2014, at 48; AR, Exh. 10, Summary of Award, Sept. 6, 2014, at 25.³

The contracting officer concluded that “the clear performance excellence of Equifax’s proposed solution coupled with its highly competitive total price [made] them undeniably the best value for the Government.” AR, Exh. 10, at 26. On September 26, the agency awarded a contract to Equifax and notified the protester of the award. LexisNexis timely sought a debriefing, which the agency provided on October 2. LexisNexis protested to our Office on October 7.

DISCUSSION

The protester contends that in evaluating Equifax’s proposal under the technical approach factor, the agency unreasonably overlooked Equifax’s failure to address the data sources it intended to use to verify the identities of disadvantaged individuals without credit histories. LexisNexis contends in this regard that “while Equifax’s proposal provides information regarding its non-credit data sources, it simply does not explain whether, or if, such data sources allow Equifax to cover the unbanked, underbanked and disadvantaged populations required by the RFP.” Protester’s Comments, Nov. 17, 2014, at 12.

The evaluation of an offeror’s proposal is a matter within the agency’s discretion. IPlus, Inc., B-298020, B-298020.2, June 5, 2006, 2006 CPD ¶ 90 at 7, 13. In reviewing an agency’s evaluation, our Office will not reevaluate proposals; instead, we will examine the record to ensure that it was reasonable and consistent with the solicitation’s stated evaluation criteria and applicable procurement statutes and regulations. Metro Mach. Corp., B-402567, B-402567.2, June 3, 2010, 2010 CPD ¶ 132 at 13; Urban-Meridian Joint Venture, B-287168, B-287168.2, May 7, 2001, 2001 CPD ¶ 91 at 2. 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, the record reflects, as acknowledged by the protester, that Equifax’s proposal described both credit and non-credit sources from which it would obtain data. These sources included Equifax’s own U.S. consumer reporting database; a database of telecom, cable, and utility accounts; an income and employment database; [deleted]. AR, Exh. 4, Equifax Final Proposal Revision, at 0017. Equifax also indicated that it aggregated data from [deleted]. Id. at 0017-0018. Accordingly, the record fails to support the protester’s assertion that Equifax’s proposal failed to

³ All three offerors were found to have demonstrated compliance with Section 508 and SSA’s accessibility requirements. (Proposals appear to have been evaluated under the factor on a pass/fail basis only.)

describe data sources that could be used to verify the identity of individuals without credit backgrounds.

The record also fails to support LexisNexis's assertion that the awardee's proposal did not explain how Equifax's data sources would "allow Equifax to cover" individuals without credit/financial histories. Equifax's proposal specifically addressed sources of data that could be used to authenticate the identities of individuals without credit footprints. In this regard, the proposal explained as follows:

The historical challenge to remote identification has been to verify and authenticate individuals who have limited financial backgrounds (such as low income, elderly or those 18-26 years old) primarily due to the fact that the data needed to verify and authenticate these applicants has been unavailable from traditional sources. Our identity proofing solution can leverage our proprietary utility and telecommunications data along with many other proprietary and unique data resources to help find and identify those applicants.

Id. at 0038.

LexisNexis also complains that in calculating its overall price, the agency failed to consider that it proposed to include the costs of implementation and configuration in its CLIN 0001 rates. That is, the protester contends that the agency should not have included its evaluated price for CLIN 0002 services in calculating its total price because the agency will not need to order implementation and configuration services from it under CLIN 0002 (since the costs of these services are included in its CLIN 0001 rates). According to the protester, the extended amount for CLIN 0002 services improperly included in the calculation of its overall price was \$4,158,530. Protest at 5 n.2.

We need not address this argument because it is clear from the record that the protester suffered no prejudice as a result of the inclusion of an additional \$4,158,530 in its overall price. As pointed out by the agency, the protester's total evaluated price remains higher than Equifax's even after \$4,158,530 is subtracted from it. In other words, it is clear that even if we were to agree with the protester that the extended amount for CLIN 0002 services should not have been included in its evaluated price, the evaluated price of the protester's proposal would still be higher than the evaluated price of Equifax's proposal, which was also higher rated

technically than the protester's. Where it is clear from the record that the protester suffered no prejudice as a result of an alleged flaw in the evaluation, we will not

sustain a protest. See McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3.

The protest is denied.

Susan A. Poling
General Counsel