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Decision

Matter of: Computer Sciences Corporation

File: B-410994; B-410994.2

Date: April 10, 2015

Eric J. Marcotte, Esq., Kelly E. Buroker, Esq., Caroline A. Keller, Esq., and Kyle E. Gilbertson, Esq., Vedder Price PC, and Carl J. Peckinpaugh, Esq., Computer Sciences Corporation, for the protester.

Lt. Col. James H. Kennedy III, Lt. Col. Mark E. Allen and Capt. Heather N. Corrothers, Department of the Air Force, for the agency.

David S. Cohen, Esq., John J. O'Brien, Esq., Gabriel E. Kennon, Esq., Amy J. Spencer, Esq., and Daniel Strouse, Esq., Cohen Mohr LLP; Mark W. Reardon, Esq., and Suzette W. Derrevere, Esq., The Boeing Company, for Tapestry Solutions, Inc.,¹ an intervenor.

Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision..

DIGEST

Agency reasonably evaluated protester's proposal as containing multiple deficiencies for failing to meet various solicitation requirements, properly concluded that the proposal was unacceptable and, consistent with the terms of the solicitation, excluded the proposal from further consideration for award.

DECISION

Computer Sciences Corporation (CSC), of Falls Church, Virginia, protests the Department of the Air Force's award of a contract to Tapestry Solutions, Inc., of San Diego, California, pursuant to request for proposals (RFP) No. FA4452-14-R-0002 for information technology (IT) services supporting the Air Mobility Command's Global Decision Support System (GDSS).² CSC, the incumbent contractor,

¹ Tapestry Solutions, Inc. is a wholly-owned subsidiary of The Boeing Company.

² The agency states that the GDSS "handles transportation-related information vital to the operational readiness or effectiveness of deployed or contingency forces."
(continued...)

challenges the agency's determination that CSC's proposal contained multiple weaknesses and deficiencies.

We deny the protest.

BACKGROUND

In April 2014, the agency published the solicitation at issue, seeking proposals to perform the various IT tasks identified in the solicitation's performance work statement (PWS). The solicitation provided for award on a best-value basis, and established the following evaluation factors: technical,³ past performance, and cost/price.⁴ Agency Report (AR), Tab 3, RFP at 95-96. The solicitation advised offerors that the agency intended to make award without conducting discussions, directed offerors that their proposals must "include sufficient detail for effective evaluation and for substantiating the validity of stated claims," and elaborated that the proposals must "provide convincing rationale to address how the offeror intends to meet [the solicitation's] requirements." Id. at 81, 101. The solicitation also warned offerors that they "shall assume that the Government has no prior knowledge of their facilities and experience and will base its evaluation on the information presented in the offeror's proposal." Id. Finally, the solicitation provided that a proposal's failure to comply with any of the solicitation requirements could render it ineligible for award. Id. at 96-97, 101.

On or before the May 28 closing date, proposals were submitted by five offerors, including Tapestry and CSC and, thereafter, the proposals were evaluated. In evaluating CSC's proposal under the technical evaluation factor, the agency

(...continued)

Agency Report, Contracting Officer's Statement of Facts/Memorandum of Law (COSF/MOL), Feb. 5, 2015, at 2.

³ Under the technical evaluation factor, the solicitation established two equally weighted subfactors--technical approach and staffing approach--and provided that the agency would perform a substantive evaluation and risk assessment for each subfactor. RFP at 96-97. With regard to the substantive evaluation, the solicitation provided that proposals would be assigned ratings of outstanding, good, acceptable, marginal and unacceptable. With regard to risk assessments, the solicitation provided for ratings of low, moderate, and high risk.

⁴ The solicitation advised offerors that technical and past performance factors were of equal importance and, when combined, were of equal importance to the cost/price factor. RFP at 96.

identified 10 deficiencies and 15 weaknesses, rating the proposal unacceptable⁵ under both the technical approach subfactor and the staffing approach subfactor, and concluded that “a significant rewrite of CSC’s proposal would be required to correct the deficiencies.” AR, Tab 15, Proposal Analysis Report, at 74, 81.

On December 18, the agency selected Tapestry’s proposal for award.⁶ This protest followed.

DISCUSSION

CSC protests that the agency erroneously evaluated all of the deficiencies in CSC’s proposal. In this regard, CSC asserts, among other things, that “the very act of submitting a proposal unambiguously committed an offeror to meeting and performing all of the requirements identified in the Solicitation,” arguing that, therefore, CSC “committed to meet[] the Air Force’s requirements without exception.” First Supp. Protest, Feb. 12, 2015, at 4-5. CSC’s assertions are without merit.⁷

The evaluation of an offeror’s proposal is a matter within the agency’s discretion. ManTech SRS Techs., Inc., B-408452, B-408452.2, Sept. 24, 2013, 2013 CPD ¶ 249 at 8. In reviewing a protest against an agency’s evaluation of proposals, our Office will not reevaluate proposals but instead will examine the record to determine whether the agency’s judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. See Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. In this regard, it is an offeror’s responsibility to submit a well-

⁵ The solicitation defined an unacceptable rating as “[p]roposal does not meet requirements and contains one or more deficiencies and is not awardable.” RFP at 97.

⁶ Tapestry’s proposal was evaluated as outstanding with low risk under the technical approach subfactor, and good with low risk under the staffing approach subfactor. COSF/MOL at 8-9. Additionally, Tapestry’s evaluated cost/price, \$47.1 million, was lower than CSC’s \$48.7 million offered cost/price. Protest, Jan. 5, 2015, at 4.

⁷ CSC also speculates that the agency’s evaluation of Tapestry’s proposal was flawed and/or reflected disparate treatment. Our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds for protest. 4 C.F.R. § 21.1(c)(4), (f). A protester’s speculation fails to meet this requirement. See, e.g., Siebe Envtl. Controls, B-275999.2, Feb. 12, 1997, 97-1 CPD ¶ 70 at 2. Here, CSC’s unsupported speculation regarding the agency’s evaluation of Tapestry’s proposal fails to meet this requirement and, accordingly, is dismissed.

written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. Mike Kesler Enters., B-401633, Oct. 23, 2009, 2009 CPD ¶ 205 at 2-3. An offeror that does not affirmatively demonstrate the merits of its proposal risks rejection of its proposal, and proposals with significant informational deficiencies may be excluded whether the deficiencies are attributable to either omitted or inadequate information. HDL Research Lab, Inc., B-294959, Dec. 21, 2004, 2005 CPD ¶ 8 at 5. Americom Gov't Servs., Inc., B-292242, Aug. 1, 2003, 2003 CPD ¶ 163 at 4. Finally, a protester's disagreement with the agency's judgments, by itself, does not render an evaluation unreasonable. See, e.g., METAG Insaat Ticaret A.S., B-401844, Dec. 4, 2009, 2010 CPD ¶ 86 at 4.

Here, as noted above, the solicitation expressly directed offerors that their proposals must "include sufficient detail for effective evaluation and for substantiating the validity of stated claims," elaborating that proposals must "provide convincing rationale to address how the offeror intends to meet [the solicitation's] requirements," and warning that failure to comply with any of the solicitation requirements could render a proposal ineligible for award. RFP at 81, 96-97, 101. Our review of CSC's proposal and the agency's contemporaneous evaluation record lead us to conclude that the agency reasonably evaluated CSC's proposal as deficient for failing to comply with multiple solicitation requirements.

For example, section 3.5.3 of the PWS required that offerors submit a draft configuration management plan with their proposals, and PWS section 3.5.3.2.19 stated: "[configuration management] of software licenses shall include a comprehensive method of recording all software license purchases and expiration dates, and a plan to provide adequate lead time to extend or replace licenses as needed." AR, Tab 4, PWS, at 11, 13.

The agency assigned a deficiency to CSC's proposal for failing to meet this requirement. While CSC's proposal contained a single, conclusory sentence asserting that CSC would "track and forecast" software licenses, warranties, and expiration dates, AR, Tab 12, CSC Technical/Staffing Proposal, at 46, the agency concluded that the proposal failed to provide any methodology supporting this representation--and certainly not the required "comprehensive methodology" necessary to comply with the solicitation's requirement. In assigning the deficiency, the agency further noted that "without adequate tracking, licenses expire resulting in schedule delays and increased costs to the Government." Proposal Analysis Report at 79.

In response to the agency's identification of this deficiency, CSC acknowledges that its proposal "did not provide the level of specificity defined in the deficiency," but asserts that this was "due to page limitations and the associated prioritization of proposal content to address evaluation criteria." Amended Protest, Jan. 9, 2015, at 16.

On this record, we find no basis to question the reasonableness of the agency's determination that CSC's proposal was deficient for failing to comply with the solicitation requirement to propose a "comprehensive method of recording all software license purchases and expiration dates, and a plan to provide adequate lead time to extend or replace licenses as needed." See PWS at 11, 13.

By way of another example, section 3.5.9.8 of the PWS provided that:

The Contractor shall ensure a schedule is maintained to encompass all long lead items approved for development and associates each long lead item to a target release schedule. Manage development of each long lead item to ensure each item is ready to incorporate into its intended release.

PWS at 18.

The agency assigned a deficiency to CSC's proposal for failing to adequately address this requirement, stating:

CSC fails to address identification and inclusion of long lead items in the schedule or management of those items to ensure they are ready to incorporate into their intended release. It is unclear how their release planning process decomposes long lead items in the IMS [integrated master schedule]. Long lead items are part of the critical path for a release making their identification in the IMS important to ensure on time software delivery. Not identifying these items results in schedule delays and increased costs.

Proposal Analysis Report at 75-76.

In its comments, CSC does not claim that it addressed how it would identify and include long lead items in the schedule, or how it would manage long lead items to ensure they were ready for incorporation into their intended release. CSC Comments, Feb. 18, 2015, at 23-24. Rather, CSC asserts that simply submitting its proposal was sufficient to meet this requirement. Id.

As noted above, the solicitation specifically directed offerors that their proposals must "include sufficient detail . . . for substantiating the validity of stated claims," elaborated that the proposals must "provide convincing rationale to address how the offeror intends to meet [the solicitation's] requirements," and warned that a proposal's failure to comply with any of the solicitation requirements could render it ineligible for award. RFP at 81, 96-97, 101. After reviewing CSC's proposal, the terms of the solicitation, and the agency's contemporaneous evaluation record, we find no basis to question the agency's determination that CSC's proposal was

deficient for failing to address the solicitation requirements regarding long lead items.

Finally, the agency also evaluated CSC's proposal as reflecting deficiencies for, among other things: failure to include a database administrator; failure to demonstrate how the number of testers CSC proposed would be capable of performing all of the PWS requirements regarding software releases; inconsistency between the number of FTE (full time equivalent) personnel identified in CSC's organization chart and the number of FTEs in its staffing matrix; failure to address the requirement for approval by the contracting officer's representative prior to proceeding with software development; and failure to confirm vendor software patch compatibility with existing GDSS code. Proposal Analysis Report at 74-84. We have reviewed the record regarding the agency's assessment of each of these deficiencies and find no basis to question the agency's determinations.

In summary, due to the multiple deficiencies the agency reasonably identified in CSC's proposal, the agency properly excluded CSC's proposal from further consideration for contract award.

The protest is denied.⁸

Susan A. Poling
General Counsel

⁸ Given our conclusion, above, that the agency's rejection of CSC's proposal was properly based on reasonably identified deficiencies in the protester's proposal, we do not address CSC's various other arguments, including challenges to the agency's assignment of weaknesses in CSC's proposal, its risk assessments, and its cost realism evaluation.