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Decision

Matter of: DigitalSpec, LLC

File: B-412344

Date: January 20, 2016

Pamela J. Mazza, Esq., Piliero Mazza PLLC, for the protester.
Kenneth D. Brody, Esq., David, Brody & Dondershine, LLP, for the intervenor.
Austin Fulk, Esq., Office of Personnel Management, for the agency.
Lois Hanshaw, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's evaluation of the protester's quotation as technically unacceptable is denied where the quotation failed to meet a material solicitation requirement and was reasonably rejected as unacceptable.

DECISION

DIGITALSPEC, LLC (DSPEC), of Fairfax, Virginia, protests the establishment of a blanket purchase agreement (BPA) and issuance of an initial BPA call to GENCO Systems, Inc. (GENCO), of Herndon, Virginia, by the Office of Personnel Management (OPM) under request for quotations (RFQ) No. OPM1515T0006, for independent verification and validation (IV&V) services. DSPEC challenges the agency's technical and past performance evaluations and the award decision.

We deny the protest.

BACKGROUND

On September 14, 2015, OPM issued the RFQ as a total small business set-aside pursuant to Federal Acquisition Regulation (FAR) subpart 8.4 to vendors holding contracts under the General Services Administration's (GSA) multiple award schedules program, for federal supply schedule (FSS) 70, Information Technology Professional Services. RFQ at 3. The solicitation contemplated the establishment of a labor-hour BPA, for a base year and four one-year options. *Id.* at 61. The RFQ anticipated award on a best-value basis, considering the following evaluation

factors, listed in descending order of importance: (1) key personnel and staffing plan (key personnel), (2) past performance, and (3) price. Id. at 59, 61.

The statement of work (SOW) sought IV&V services for OPM to support the successful and efficient development of the EPIC¹ application systems that support OPM's personnel background investigation program, as OPM transitions from a legacy environment to more modern technology. Id. at 30. The SOW stated that IV&V is based on the use of an independent contractor to review the work performed by OPM project teams to provide an independent, objective, and iterative assessment of products and processes throughout the project lifecycle. Id. at 31, 35. The SOW also explained that IV&V helps to assure overall project success by early recognition, detection, and correction of errors; heightening management insight into risks; recommending solutions and helping to ensure remedial activities are in place; and confirming compliance with project requirements and quality performance standards. Id. at 31.

As relevant to the key personnel factor, the RFQ required offerors to include a staffing plan that demonstrated that the team being proposed possessed the requisite skills to accomplish the work described in the SOW.² Id. at 56. Offerors were also required to provide resumes for three key personnel--the project manager; IV&V lead analyst; and IV&V test lead--that demonstrated experience performing the tasks outlined by the staffing plan for this project. Id. at 47-50. The RFQ advised vendors that experience would be cross-checked against the resume to ensure the minimum requirements were met. Id. at 59. As relevant here, to receive a favorable rating offerors were required to provide resumes for key personnel that met and/or exceeded the minimum requirements for each position. Id.

With regard to the minimum experience requirements, the SOW required the project manager to demonstrate "[10] years of management experience in IV&V of software development environment focused on assessing [p]roject [m]anagement tasks, deliverables and processes," among other things. Id. at 48. For the IV&V lead analyst, the minimum requirements included experience in code analysis and code review. Id. at 49. The IV&V test lead was required to demonstrate, as relevant

¹ The acronym "EPIC" stands for the Electronic questionnaires for investigations, Personnel investigations processing, Imaging capability, and Central verification system transformation program. RFQ at 30.

² The RFQ encouraged offerors to highlight previous experience working as a team on projects similar in size and scope, and indicated that further evaluation would occur based on proposed personnel who demonstrated success on projects of a similar size, scope, and complexity. Id. at 47, 56.

here, IV&V experience in both the private and public sector in large-scale, complex environments. Id. at 50.

The RFQ advised that in making award a quotation could be rejected if such action was in the government's interest. Id. at 56.

Four quotations were timely received.³ Agency Report (AR), Tab 6, Basis for Award Documentation, at 4. The technical evaluation panel concluded that two quotations, including those submitted by the awardee and another offerer, were technically acceptable and equal in technical merit, while DSPEC's quotation was found technically unacceptable. Id. at 7.

The protester's quotation received an unacceptable rating for the key personnel factor and a neutral rating for past performance.⁴ AR, Tab 6, Basis for Award Documentation, at 8. The technical evaluation panel initially found the protester's quotation technically acceptable under the key personnel factor, but the contract specialist, acting as the source selection authority (SSA), disagreed with this finding, citing significant deficiencies in DSPEC's quotation. Id. In this regard, the SSA concluded that the resume for the proposed IV&V lead analyst failed to show experience in: (1) leading IV&V and system integration of large-scale complex software projects, to include development and integration of a commercial quality code and COTS (commercial off the shelf) products, and (2) code analysis and review. Id. at 9. Additionally, the contract specialist determined that the resumes for DSPEC's proposed key personnel failed to demonstrate IV&V experience meeting the minimum experience requirements described in the RFQ, and that the resumes instead provided experience managing projects relevant to OPM's IV&V work. Id.

³ Following the receipt of proposals and the initial price evaluation, the agency found that the quotations exceeded the government's estimate for BPA ceiling prices. Joint Legal Memorandum and Contracting Officer's Statement (LM/COS) at 2. Accordingly, the agency issued an amendment requesting revised pricing quotations and the four firms timely submitted revised pricing quotations. AR, Tab 6, Basis for Award Documentation, at 4.

⁴ The award decision indicates that quotations were rated highly acceptable, acceptable, unacceptable(a), unacceptable(b), and neutral, which applied only to past performance. Id. at 6-7. Unacceptable(b) was defined as a quotation that failed to meet the requirements or contained deficiencies so substantial that they could not be corrected, demonstrated a general lack of understanding of the solicitation requirements, and/or involved performance risk so significant that it was unlikely that the quotation would result in satisfactory contract performance. Id. at 7. The protester was rated unacceptable(b). Id.

For the key personnel factor, the protester's quotation identified three key personnel. As relevant here, the resume for the project manager did not include any references to IV&V work. AR Tab 3, DSPEC Quotation Appendix, at 12-17. The proposed IV&V lead analyst's resume included experience performing code analysis and did not include references to experience with code review. Id. at 18, 22. The background section of the resume for the proposed IV&V test lead indicated "33 years of extensive experience in all phases of the systems development lifecycle starting as a developer, and then moving into testing and test management, IV&V, and project management," but did not provide additional detail on his IV&V experience in the section describing his professional employment experience. Id. at 26-28.

The SSA conducted a tradeoff analysis and determined that the quotations submitted by GENCO and another offeror were technically equal and the highest-ranked quotations among those that met the key personnel and past performance requirements identified by the RFQ. AR, Tab 6, Basis for Award Documentation, at 13. Because GENCO offered a lower quoted total price, the SSA determined that a tradeoff was not required, and made award to GENCO. Id. at 13, 15.

On October 1, the agency notified DSPEC of award. After receiving a brief explanation of the basis of award, DSPEC timely filed this protest with our Office.

DISCUSSION

DSPEC challenges the agency's evaluation of its proposed key personnel and past performance, and contends that the agency's award decision was flawed. Protest at 21, 25. Because, as discussed below, we find that the agency reasonably found DSPEC's quotation was unacceptable based on its failure to demonstrate that the proposed key personnel met the RFQ's minimum requirements, we conclude that the protester is not an interested party to raise its other challenges regarding the award decision and the evaluation of its own past performance. We therefore find no basis to sustain the protest.

The protester argues that the resumes of its key personnel showed that the personnel in question possessed the IV&V experience required by the RFQ, and that the agency's evaluation of key personnel failed to follow the evaluation criteria. Protest at 19, 25; Protester's Comments at 5.

The agency asserts that its evaluation was reasonable. LM/COS at 5-12. With respect to the project manager, the agency explains that the project manager's resume did not clearly demonstrate IV&V management experience, but rather, showed more experience for project management and testing or quality assurance, and notes, further, that this was just one of several weaknesses identified. Id. at 5. With respect to the IV&V lead analyst, the agency also explains that it could not conclude that the person proposed possessed the experience required for this

position, as his resume did not mention or discuss any experience he might have had with code review. Id. Further, while DSPEC's quotation asserted that the proposed IV&V lead analyst possessed more than 30 years of "experience in IT design, development, testing, implementation, and operations/maintenance," the proposed person's resume did not reflect or adequately convey this experience, or place it in the context of the IV&V requirements here. Id. at 6, 11. Similarly, the agency found that the IV&V experience claimed by the proposed IV&V test lead could not be verified from his resume. Id. at 12.

Where, as here, an agency issues an RFQ to GSA FSS contractors under FAR subpart 8.4 and conducts a competition, we will review the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. Digital Solutions, Inc., B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 3-4; DEI Consulting, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. It is a vendor's burden to submit an adequately-written quotation, and the vendor's disagreement with an unfavorable rating of a poorly-written quotation, without more, does not establish that the evaluation was unreasonable. VariQ Corp., B-407193, Nov. 27, 2012, 2013 CPD ¶ 233 at 3.

We find no basis to sustain the protest. The RFQ required that the resumes of key personnel demonstrate certain minimum IV&V experiences. RFQ at 59. The record shows that the resumes for the project manager and the test lead did not contain references to, or sufficient details on, IV&V experience, respectively. Additionally, while the lead analyst's resume included code analysis experience, it did not include references to code review, which was one of the minimum requirements of the SOW.⁵ The protester's reiteration or summary of experience included in these resumes, without more, represents disagreement with the agency, and does not show that the agency's evaluation was improper.⁶ In light of OPM's determination that DSPEC's key personnel did not meet the minimum requirements of the SOW, we conclude that the agency reasonably found the quotation to be unacceptable.⁷

⁵ To the extent the protester argues in its comments that code review is "naturally involved in code analysis," the record does not support this assertion. See Protester's Comments at 8. For example, the protester's quotation includes the resume of the EPIC application SME (subject matter expert) which expressly identified experience in code review, but not code analysis. See AR, Tab 3, DSPEC Quotation Appendix, at 66, 67, 72.

⁶ We find unpersuasive the protester's attempt to provide details in the protest to show that the lead analyst has experience with large-scale projects since this information was not included in the quotation that the agency evaluated for award.

⁷ In its comments, the protester also argues that the agency's documentation-- specifically, the individual evaluators' forms, the notice of award, and the legal
(continued...)

DSPEC also challenges the agency's evaluation of its past performance and the award decision. Based on our conclusion that DSPEC was properly found unacceptable based on the evaluation of its proposed key personnel, we need not consider DSPEC's other challenges to the evaluation. In this regard, DSPEC is not an interested party to raise these challenges because it would not be in line for contract award were its protest to be sustained. See 4 C.F.R. § 21.0(a)(1); Cyberdata Techs., Inc., B-411070 et al., May 1, 2015, 2015 CPD ¶ 150 at 9.⁸

The protest is denied.

Susan A. Poling
General Counsel

(...continued)

memorandum--is not consistent with the contemporaneous record. Protester's Comments at 3. This assertion is not supported by the record. As a threshold matter, we note that in procurements conducted pursuant to FAR subpart 8.4 that require a statement of work, such as this one, FAR § 8.405-2(e) sets forth limited documentation requirements. In a FAR subpart 8.4 procurement, an agency's evaluation judgments must be documented in sufficient detail to show that they are reasonable. VariQCorp, B-409114 et al., Jan. 27, 2014, 2014 CPD ¶ 58 at 8. To the extent that the agency's notice of award stated that the protester's quotation was found unacceptable because certain key personnel failed to meet the requirement to show IV&V experience as required by the RFQ, we find the award notice to be consistent with the contemporaneous record. See Protester's Comments, Exh. B, Notice of Award, at 1. Additionally, based on our review of the record, we conclude that the legal memorandum is, appropriately, consistent with the SSA's determinations--rather than the individual evaluator's--regarding the award decision.

⁸ We note that DSPEC has not challenged the agency's evaluation of the awardee or the other firm that was also found technically acceptable.