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Decision

Matter of: TASC, Inc.

File: B-412674.2; B-412674.3; B-412674.4

Date: August 25, 2016

Anne B. Perry, Esq., Townsend L. Bourne, Esq., and Derek R. Mullins, Esq., Sheppard Mullin Richter & Hampton LLP, for the protester.
Jonathan D. Shaffer, Esq., Mary Pat Buckenmeyer, Esq., and Nicholas J. Surace, Esq., Smith Pachter McWhorter PLC, for Booz Allen Hamilton, Inc.; Kevin P. Mullen, Esq., and James A. Tucker, Esq., Morrison & Foerster LLP, for Vencore, Inc.; and Richard L. Moorhouse, Esq., and Józef S. Przygodzki, Esq., Greenberg Traurig, LLP, for CENTRA Technology, Inc., intervenors.
Avi Baldinger, Esq., Elizabeth Jerke, Esq., and Arthur Passar, Esq., Central Intelligence Agency, for the agency.
Paula J. Haurilesko, Esq., and Scott H. Riback, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that the agency unreasonably assigned a deficiency to the protester's proposal for a resume that failed to meet minimum requirements is denied, where the agency evaluated the resume in accordance with the solicitation requirements.
 2. Protest that the agency's discussions were not meaningful is denied, where the protester introduced the deficiency in the firm's final revised proposal, and the agency was not required to evaluate resumes that were not specifically designated in the solicitation for review.
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DECISION

TASC, Inc., of Chantilly, Virginia, protests award of contracts to Booz Allen Hamilton, Inc., of McLean, Virginia; Vencore, Inc., of Chantilly, Virginia; CENTRA Technology, Inc. of Burlington, Massachusetts; and Leidos, Inc., of Reston, Virginia, under request for proposals (RFP) No. 2013-13030800004, issued by the Central Intelligence Agency (CIA) on behalf of the Office of the Director of National Intelligence (ODNI) for advisory and assistance support services. TASC maintains that the agency improperly assigned a deficiency to its proposal, engaged in

misleading discussions, misevaluated the proposals of TASC, Booz Allen, CENTRA, and Leidos, and made an unreasonable best value tradeoff decision.

We deny the protest.

BACKGROUND

The RFP, issued on Nov. 18, 2014, contemplated the award of between two and four indefinite-delivery/indefinite-quantity (ID/IQ) contracts to provide support services to all ODNI components under the Contract Advisory and Assistance, Systems Integration, Systems Engineering, and Technical Assistance and Support (CASES II) requirement. The RFP provided for a 5-year period of performance for the base ID/IQ contracts. The RFP anticipated three cost-plus-award-fee, level-of-effort task orders would be issued subsequent to award of the base ID/IQ contracts. Offerors were required to submit proposals for all three task orders. RFP Amend. 5 at 53.¹

The RFP stated that award would be made to the offerors whose proposals represented the best value to the government. For the base ID/IQ contract awards, the agency would consider the following seven factors:

1. Base ID/IQ technical/management
2. Task Order No. 1 technical/management
3. Task Order No. 2 technical/management
4. Task Order No. 3 technical/management
5. Base ID/IQ past performance
6. Security
7. Cost/Price (sum of the most probable cost/price for task order Nos. 1, 2, and 3).

Id. Offerors were advised that proposals that failed to meet a material requirement or otherwise were assigned a deficiency would be ineligible for award. Id. at 6.

As relevant here, the task order No. 2 technical/management evaluation factor was comprised of two subfactors: subfactor 3.1, personnel qualifications and skills; and subfactor 3.2, program management. The personnel qualifications and skills subfactor was further divided into two elements: key personnel and non-key personnel. For the non-key personnel element, the RFP stated that the offeror's proposal would be evaluated for the extent to which the proposal demonstrated that

¹ In several exhibits, the original page numbering for the documents is different from BATES numbers assigned to the same documents by the agency. Where documents in the agency report have differing numbering, we cite to the BATES numbers assigned to the documents.

the offeror's proposed non-key personnel met the qualifications to fulfill the statement of work (SOW). Id. at 8.

With respect to non-key personnel resumes required for task order No. 2, RFP section L paragraph 3.2.10 instructed offerors to submit information on the capabilities, educational background, current clearances, experience and any other relevant information for 15 non-key personnel. The RFP stated that the 15 non-key personnel resumes could be any non-key personnel of the offeror's choosing. The RFP also stated that the resumes must provide clear traceability to any minimum or desired personnel qualifications identified in the task order No. 2 SOW. The RFP further stated,

The offeror is not required to submit resumes for Non-Key or Optional Personnel for Task Order No. 002 beyond those stated in 3.2.10. Therefore, the Offeror shall describe its approach to staffing the remaining Non-Key and Optional Personnel positions.

Id. at 38 (underline omitted). Additionally, in response to questions from prospective offerors, the CIA put offerors on notice that it would not review all resumes, stating that "[i]f the Government were to evaluate every resume submitted by every offeror, based upon the final RFP Bidder's List of 12 Offerors this would translate into the evaluation of almost 1,700 resumes--an overly burdensome and unnecessary process." Agency Report, Tab 12, Final RFP Q&A, Question 9.

The SOW for task order No. 2 identified personnel qualifications for key and non-key personnel. As relevant here, section 3.1 stated the following:

To qualify for a Senior Level labor category, the candidate must also possess, at a minimum, the following education and experience:

- Bachelor's degree or higher
- 10 years of work experience related to the technical requirement (see position description in SOW Section 4.0) against which the individual is slated to perform
- 3 years of experience working in the IC [intelligence community] (may be concurrent to the requisite 10 years of work experience).

AR, Tab 15c, Task Order No. 2 SOW, at 140. Additionally, the SOW required the contractor to provide 12 full time equivalents (FTEs) of senior-level intelligence analysis evaluators. Section 4.3 of the SOW further addressed qualifications for senior-level intelligence analysis evaluators:

The following are additional **REQUIRED** qualifications for these positions:

- Senior Level – 7+ years working in the IC. This experience is in addition to the requisite 3 years of experience in SOW Section 3.1 for a total of 10+ years.

Id. at 143 (emphasis in original).

The CIA received proposals from eight offerors, including TASC and the four awardees. In its initial proposal, TASC identified 15 non-key personnel for task order No. 2, as required by the RFP, and included a table summarizing each individual's qualifications. TASC's proposal stated, "We selected 15 candidates for review that reflect our team's mission-critical support across [the Mission Integration Division]." AR, Tab 21, TASC Initial Proposal, Vol. III, Task Order 2, at 124. Resumes for the 15 personnel were included in Appendix E. To meet the requirement to describe the offeror's approach to staffing the remaining non-key and optional personnel positions, TASC's proposal also provided a table that identified 42 additional non-key personnel, including an individual identified as Ms. D, and summarized their qualifications. The proposal also stated that the resumes for the 42 non-key personnel were provided "to demonstrate the superiority" of their staff. Id. at 126. The 42 additional resumes were provided in Appendix F.

After the final round of discussions, TASC included for the first time the resume of the individual identified as Ms. D for one of the 15 required non-key personnel resumes for task order No. 2.² AR, Tab 70, TASC Third Final Proposal Revision, Vol. III, Task Order No. 2, at 39, 73. In evaluating TASC's final revised proposal, the evaluation team reviewed Ms. D's resume and assigned a deficiency because it failed to meet both the requirement for a minimum of 10 years of experience related to the technical requirement and the requirement for 10+ years of experience working in the intelligence community. AR, Tab 78, Final Evaluation Report of TASC's Task Order Volume, at 25. The evaluation team noted that Ms. D's resume contained gaps in employment such that her resume demonstrated only 8 years, 8 months experience. Id. at 25-26. The evaluation team assigned the TASC proposal a deficiency, concluding that TASC did not demonstrate the ability to provide a candidate with the required work and intelligence community experience,

² The record also shows that in its final proposal revision, TASC removed the names and resumes of all other non-key personnel not required for review from its proposal. AR, tab 70, TASC Third Final Proposal Revision, Vol. III, Task Order No. 2, at 41, 84.

which increased the risk that the candidate would not be fully knowledgeable and functional in an assigned position. Id. at 26.

The source selection authority concluded that TASC was ineligible for award due to the deficiency assigned to the TASC proposal based on Ms. D's resume, and determined that contracts would be awarded to Booz Allen, CENTRA, Leidos, and Vencore. AR, Tab 89, Source Selection Decision Memorandum, at 6, 8. After receiving a debriefing, TASC filed a protest with our Office.

DISCUSSION

TASC challenges the CIA's assignment of a deficiency to its proposal for submitting a non-key personnel resume that did not meet the experience requirements identified in the RFP. TASC also challenges various other aspects of the evaluation of its proposal and the evaluation of the awardees' proposals. As discussed below, we deny TASC's protest of the assignment of a deficiency and on this basis conclude that TASC is not an interested party to challenge the evaluation of the awardees' proposals.

TASC maintains that the solicitation did not require senior-level intelligence analysis evaluators to have 10 years of experience working in the intelligence community. TASC argues that the SOW section 4.3 required more than 7 years in the intelligence community, and that the 7 years ran concurrently with the 3 years of experience working in the intelligence community required under SOW section 3.1. Protest at 24; TASC Comments at 12.

The CIA states that the RFP required 3 years of work experience in the intelligence community for all senior level personnel and an additional 7+ years in the intelligence community for senior level intelligence analysis evaluators, for a total of 10 years of experience in the intelligence community. The agency further states that Ms. D's resume demonstrated only 8.75 years of experience in the intelligence community and therefore did not meet the work experience requirement. AR Legal Memorandum at 8.

Where a dispute exists as to the actual meaning of a particular solicitation provision, our Office will resolve the matter by reading the solicitation as a whole and in a manner that gives effect to all its provisions; to be reasonable, an interpretation of a solicitation must be consistent with such a reading. One Largo Metro LLC; Metroview Dev. Holdings, LLC; King Farm Assocs., LLC, B-404896 et al., June 20, 2011, 2011 CPD ¶ 128 at 11 n.16.

We conclude that the agency's interpretation of the SOW work experience requirement is reasonable, and the protester's differing interpretation is not reasonable. As noted above, SOW section 3.1 required senior-level personnel to have 3 years of experience working in the intelligence community. That experience

was permitted to be concurrent with the requirement in section 3.1 for 10 years of work experience related to the technical requirement. AR, Tab 15c, Task Order No. 2 SOW, at 140. SOW section 4.3 stated that senior-level intelligence analysis evaluators were required to have 7+ years working in the intelligence community “in addition to the requisite 3 years of experience in SOW Section 3.1 for a total of 10+ years” of experience in the intelligence community. Id. at 143 (emphasis added). The protester’s reading of the SOW would render meaningless the language in SOW section 4.3. In light of this conclusion, we also find that the agency reasonably assigned a deficiency to the TASC proposal based on the lack of Ms. D’s qualifications.

In the alternative, TASC argues that the CIA failed to conduct meaningful discussions. TASC maintains that the agency was required to review all resumes submitted and raise any concerns about those resumes in discussions. TASC asserts that it not only provided Ms. D’s resume in its initial proposal in appendix F,³ but in the body of its proposal it also identified Ms. D by name and summarized her qualifications to fill the position of senior level intelligence analysis evaluator. Protest at 20. The protester further asserts there was nothing on the face of the RFP that prevented an offeror from choosing to provide additional resumes to demonstrate its approach to meeting the staffing requirements of the SOW. TASC Comments at 6.

CIA states that the deficiency first occurred when TASC replaced one of the 15 non-key personnel resumes identified for review for task order No. 2 with Ms. D’s. AR Legal Memorandum at 5-6. The agency asserts that TASC knew, or should have known, that the agency would evaluate only the 15 non-key personnel resumes that were identified for evaluation. In this regard, the agency states that offerors were told multiple times that it would not evaluate all resumes. The agency also states that TASC demonstrated its awareness of which resumes would be reviewed by separating the 15 non-key personnel resumes that would be evaluated from the others, and by removing all non-key personnel resumes, except for the 15 resumes to be evaluated, from its final proposal. AR Legal Memorandum at 4.

When discussions are conducted, they must identify deficiencies and significant weaknesses in an offeror’s proposal. Federal Acquisition Regulation (FAR) § 15.306(d)(3); Metro Mach. Corp., B-295744, B-295744.2, Apr. 21, 2005, 2005 CPD ¶ 112 at 19. However, agencies are not required to reopen discussions to afford an offeror an additional opportunity to revise its proposal where a weakness or deficiency is first introduced in the firm’s revised proposal. MetalCraft Marine,

³ As noted, TASC included the resumes for personnel it was proposing for review for task order No. 2 in Appendix E of its proposal, and included additional resumes in appendix F of its proposal.

Inc., B-410199, B-410199.2, Nov. 13, 2014, 2014 CPD ¶ 338 at 10; Raytheon Co., B-403110.3, Apr. 26, 2011, 2011 CPD ¶ 96 at 7.

Based on the record before us, we find that TASC's argument--that the agency failed to provide meaningful discussions because it did not review all of the resumes that TASC submitted with its proposal--does not provide a basis to sustain its protest. As noted above, the RFP required offerors to provide for review the resumes of any 15 non-key personnel proposed for task order No. 2. With regard to other non-key personnel, the RFP specifically advised offerors that they were "not required to submit resumes for Non-Key or Optional Personnel for Task Order No. 002 beyond" the 15. RFP Amend. 5 at 38. Additionally, the agency stated in response to a question from a prospective offeror that it would not review all resumes. See Tab 12, Final RFP Q&A, Question 9. Finally, the protester's own proposal language acknowledged that only 15 resumes would be reviewed ("We selected 15 candidates for review..."). AR, Tab 21, TASC Initial Proposal, Vol. III, Task Order 2, at 124. Moreover, particularly in view of the express language advising offerors that the agency would not review all resumes, the fact that the protester chose to include additional resumes in its proposal did not create an obligation on the part of the agency to review them. Because TASC first identified Ms. D's resume as one of the 15 non-key personnel resumes for review in its final proposal, we find that the protester's argument that the agency improperly failed to raise the issue in discussions is without merit.⁴

TASC raises several additional contentions relating to the evaluation of its proposal. We need not consider TASC's remaining challenges to the evaluation of its proposal. Even if we were to agree with the protester that the agency improperly evaluated TASC's proposal in other respects, TASC has not shown it was prejudiced by any such error. See Bashen Corp., B-412032.2, Dec. 3, 2015, 2015 CPD ¶ 381 at 4 n.2 (protester cannot show prejudice where agency reasonably found protester otherwise ineligible for award).

As a final matter, TASC raises several challenges to the agency's evaluation of the awardees' proposals. Because we conclude that the agency reasonably found TASC ineligible for award, we need not address TASC's challenges to the evaluation of the awardees' proposals, as TASC is not an interested party to challenge those evaluations. Under our Bid Protest Regulations, only interested

⁴ TASC maintains that, because the summary portion of Ms. D's resume indicated that she had more than 10 years of experience in the intelligence community, the agency should have addressed any inconsistency in the resume through discussions. As we noted above, because the deficiency was introduced in the final revised proposal, the agency was not required to raise the issue or otherwise seek clarification. MetalCraft Marine, Inc., supra.

parties may protest procurement actions by federal agencies. 4 C.F.R. § 21.1(a). That is, a protester must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. 4 C.F.R. § 21.0(a)(1). A protester is not an interested party where it would not be in line for an award if its protest were sustained. JSF Sys., LLC, B-410217, Oct. 30, 2014, 2014 CPD ¶ 328 at 4. Given our conclusions above, TASC remains ineligible for award, and therefore lacks the requisite interest to challenge the evaluation of the awardees' proposals. Accordingly, we dismiss TASC's remaining protest grounds.

The protest is denied.

Susan A. Poling
General Counsel