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Decision

Matter of: BOSH Global Services

File: B-413115

Date: August 11, 2016

Milton C. Johns, Esq., Fluet Huber & Hoang, PLLC, for the protester.
Kyle R. Jefcoat, Esq., David R. Hazelton, Esq., and Heather A. Blakeman, Esq.,
Latham & Watkins LLP, for Novetta Solutions Corporation, the intervenor.
Wade L. Brown, Esq., U.S. Army Materiel Command, for the agency.
Mary G. Curcio, Esq., and Laura Eyester, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest that agency improperly applied unstated evaluation criteria in evaluating protester's proposal is denied where the record demonstrates that the agency's evaluation was reasonable and consistent with the stated criteria.

DECISION

UAV Communications, Inc., d/b/a BOSH Global Services (BOSH), of Newport News, Virginia, protests the award of a contract to Novetta Solutions Corporation (Novetta), of Reston, Virginia, under request for proposals (RFP) No. W904TE-16-R-0004, issued by the Department of the Army for architect-engineering services in support of the Joint Special Operations Command (JSOC) information exploitation architecture and development systems. BOSH asserts that the agency unreasonably evaluated its proposal.

We deny the protest.

BACKGROUND

The Army issued the RFP on February 22, 2016, for the award of a requirements contract to support the JSOC, which provides Special Operations Forces (SOF) with interoperable equipment, systems, tools, and capabilities in support of global

operations in peacetime and war. RFP at 3; Performance Work Statement (PWS) at 2.¹ Specifically, the solicitation sought a contractor to provide the following five functional areas of support to the JSOC: (1) engineering analysis and integration of an operations and intelligence cycle framework, PWS § 4.1; (2) engineering analysis and integration of a processing, exploitation and dissemination (PED) framework, PWS § 4.2; (3) engineering analysis and integration of a mission command framework, PWS § 4.3; (4) engineering analysis and integration of a virtual comprehension framework, PWS § 4.4; and, (5) acquisition management support across each framework, PWS § 4.5. PWS at 3-6.

The solicitation provided for award on a best-value basis based on an evaluation of the following four factors: (1) information exploitation PWS technical approach; (2) past performance; (3) information exploitation sample task order PWS technical approach (sample task order technical approach); and (4) price. RFP at 5. The information exploitation technical approach factor was significantly more important than the past performance factor, which was more important than both the sample task order technical approach and price (which were equal) factors. Id. at 6. The technical factors combined were significantly more important than price. Id. The solicitation stated that the government intended to evaluate proposals and make award on the basis of initial proposals without holding discussions. Id. at 5.

The agency received proposals from BOSH and Novetta and evaluated them as follows:

	BOSH	Novetta
Information Exploitation Technical Approach	Marginal	Outstanding
Past Performance	Limited Confidence	Substantial Confidence
Sample Task Order Technical Approach	Marginal	Outstanding
Price	\$6,611,634	\$10,750,585

Agency Report (AR), Tab K, Source Selection Decision Document (SSDD), at 2.² The agency performed a best-value trade-off analysis, determined that

¹ The JSOC is responsible for the architecture, design, implementation and support of advanced processes, technologies, and information solutions that support intelligence and operations across all service components making up the SOF. PWS at 2.

² The technical factors were assigned ratings of outstanding, good, acceptable, marginal, or unacceptable; past performance was rated substantial confidence, (continued...)

Novetta's proposal was "far superior overall when compared to BOSH's proposal," did not identify "any performance benefits that justify B[OSH]'s lower prices," and selected Novetta for award. Id. at 8-10. Following a debriefing, BOSH filed this protest.

DISCUSSION

BOSH asserts that for three of the four weaknesses the agency assigned to its proposal under factor 1, the information exploitation technical factor, the agency used unstated evaluation criteria that resulted in competitive prejudice to BOSH. Protest at 3-5. BOSH believes that without these weaknesses, its proposal would have been rated higher than marginal under this technical factor.³

The PWS explained that the government requires "evolutionary systems, techniques and means" for conducting intelligence analysis, operational planning, and mission command support for the integration of advanced capabilities to enhance business process and workflows and data management to enable the intelligence cycle through automated data collection management, ingestion and dissemination of raw data and finished intelligence. PWS at 2. The government envisioned that this "advanced capabilities framework" would extend across many communities and nations. Id. Therefore, with respect to factor 1, information exploitation technical approach, the solicitation instructed as follows:

Offeror's proposal must describe how the Offeror will provide the required architecture and engineering services required by the Government. The Offeror's proposal should provide sufficient detail to enable the Government to determine the capability of the Offeror to successfully perform all required tasks as delineated in the Information Exploitation PWS, Attachment 1.

RFP at 6. The solicitation also specifically advised offerors that the agency would review proposals to assess the offeror's "approach" to providing information

(...continued)

satisfactory confidence, limited confidence, no confidence, or unknown confidence. AR at 5-7.

³ In its protest, BOSH also argued that the agency's evaluation of its proposal under the past performance and sample task order factors was unreasonable. Protest at 5-6. The agency responded to these allegations in its report. AR at 15-17. In its comments, however, BOSH did not rebut or otherwise substantively address the agency's response. Accordingly, we find that the protester abandoned these protest grounds. SRM Grp., Inc., B-410571, B-410571.2, Jan. 5, 2015, 2015 CPD ¶ 25 at 8 n.5.

exploitation support related to the five functional areas set forth in the PWS (engineering analysis and integration of an operations and intelligence cycle framework; engineering analysis and integration of a PED framework; engineering analysis and integration of a mission command framework; engineering analysis and integration of a virtual comprehension framework; and acquisition management support across these frameworks). Id.

The agency assigned a weakness to BOSH's proposal under the information exploitation technical approach factor because it found that while BOSH provided a generally acceptable description of an intelligence cycle framework, the proposal lacked sufficient details regarding how BOSH would approach the various types of data to be expected from the different intelligence disciplines. SSDD at 2. The agency assigned a second weakness because it concluded that BOSH did not demonstrate a basic understanding of PED requirements for sensitive site exploitation intelligence, human intelligence, or signals intelligence, or provide any insight on how these disciplines are related or reliant on each other. Id.

According to BOSH, the stated evaluation criteria did not require offerors to discuss how they would approach the various types of data to be expected from different intelligence disciplines, but only to explain their technical approach to designing and creating a framework that enables the intelligence cycle. Protest at 4. BOSH similarly asserts that the solicitation does not ask offerors to explain their understanding of PED requirements for any intelligence gathering discipline, or require offerors to explain how these disciplines are related or reliant on each other. Id. Rather, BOSH asserts that the solicitation only specified that the PED framework is required to support these disciplines. Id.

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 2. While a solicitation must identify all major evaluation factors, it need not identify all areas within each factor that might be taken into account in an evaluation, provided such unidentified areas are reasonably related to, or encompassed by, the stated evaluation factors. DV United, LLC, B-411620, B-411620.2, Sept. 16, 2015, 2015 CPD ¶ 300 at 11.

Here, the solicitation specifically advised offerors to provide sufficient detail to enable the government to evaluate whether the offeror will be capable of successfully performing the required tasks set forth in the PWS, and notified offerors that the government would review the proposals to assess the offerors' approach to proving the required support in the listed five functional areas, which included intelligence cycle and PED. PWS at 6-7. It is thus clear that the government intended to evaluate the details of the offerors' approach to each of the functional areas. With respect to the intelligence cycle, PWS § 4.1 requires the

contractor to, among other things, design and create a framework that enables the intelligence cycle to include PED. PWS at 3. Section 4.2 of the PWS requires the contractor to design and create the PED framework by enabling it with the inclusion of all data and information collected, as well as providing intelligence analysis and systems, tools, and applications to streamline communities of interest and disciplines, such as human intelligence, imagery intelligence, electronic intelligence, signals intelligence, open source intelligence, geospatial intelligence, sensitive site exploitation, and full motion video and telemetry. Id. As the PWS advised offerors to enable the intelligence cycle with data, and listed the intelligence disciplines that would be at issue, it was reasonable for the agency to evaluate whether BOSH provided details on the data it would expect to collect from the different intelligence disciplines, set forth an approach to the collection of data, and demonstrate a basic understanding of the disciplines and how they related to each other.

BOSH asserts that in any case, its proposal provided examples of integrating different types of data from different disciplines that it performed for other customers. Protest at 4. However, as explained above, the agency required a detailed response as to the offeror's approach. Instead, BOSH provided a "generally accepted" description of the intelligence cycle framework that did not address electronic intelligence, open source or publicly available intelligence, or full motion video and telemetry intelligence. SSDD at 2; Second Supp. AR at 3. The Army further responds that while BOSH states that it supported customers in the past by providing geospatial intelligence, human intelligence, measurements and signature intelligence, and signals intelligence, it did not provide any concrete examples or insight as to its planned technical approach. Second Supp. AR at 3.

While BOSH argues that the Army now acknowledges that it did address different types of intelligence, BOSH misses the point. Comments on Second Supp. AR at 2. Specifically, BOSH did not address certain of the intelligence disciplines or data. More importantly, while BOSH mentioned supporting certain customers in the past in certain intelligence disciplines, it did not explain its technical approach to the data for this solicitation, or how it would integrate the disciplines. Accordingly, there is no basis to find the agency used unstated evaluation criteria or that the evaluation was unreasonable.

BOSH was also assigned an additional weakness under the information exploitation factor because the agency found that while BOSH demonstrated knowledge of the basic information that is related to mission command and expressed a desire for other data sets, it provided no details on how it would approach other data sets. SSDD at 3. BOSH argues that the evaluation factor did not require a discussion of additional data sets and how the offeror would approach them, but only asked for a discussion of the offeror's technical approach to design and create

a framework that enables mission command, which its proposal addressed. Protest at 5.⁴

With respect to mission command the solicitation, at PWS § 4.3, provided the following, in relevant part:

The Contractor shall architect and engineer a framework that enables Mission Command to build the trust and mutual understanding between communities of interests for unity of effort and decentralized execution; and, ensure timely, effective decision making with and between communities of interests. The framework shall support efficient and effective mission planning, command and control, information management and reduce the human labor needed to organize information and put it in a usable form.

PWS at 4. In its proposal, **[DELETED]**. Second Supp. AR at 4; AR, Tab F, BOSH Proposal, at 23-24. BOSH's own proposal recognizes that data are required to design and create a framework that enables mission command but did not explain how it would handle other data sets. SSDD at 2. Further, although BOSH explained some of the data sets it was anticipating getting in order to design and create the mission control framework, it did not explain what it would do with them. Given that data sets are necessary to design and create the command framework, the approach to them was reasonably related to evaluating the technical approach to designing and creating for the mission control framework. Consequently, there is

⁴ The agency was also concerned that BOSH provided a basic understanding of how services are currently provided based on historical acquisition processes, without addressing how technology is outpacing current acquisition processes, or how BOSH will maintain a pulse on state of the market technologies. SSDD at 3. BOSH asserts that the evaluation criteria did not require offerors to provide details with respect to technology outpacing acquisition processes or how it would maintain a pulse on state of the market technologies. However, the PWS specifically discusses recommending innovative techniques and methods, and determining the means to improve mission command due to changes in requirements, and technological advances. PWS at 2, 4-5 (see PWS §§ 4.3.6 and 4.3.7). Further, while BOSH asserts that in its proposal it described **[DELETED]**, this does not address how BOSH would deal with new information or types of information that become available with respect to the current solicitation.

no basis to find the agency used unstated evaluation criteria or that the evaluation was unreasonable.

The protest is denied.

Susan A. Poling
General Counsel