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Decision

Matter of: Arctic Slope Mission Services, LLC

File: B-415376

Date: December 1, 2017

Robert J. Symon, Esq., Aron C. Beezley, Esq., Lisa A. Markman, Esq., and Sarah S. Osborne, Esq., Bradley Arant Boult Cummings LLP, for the protester.
Michael I. Mark, Esq., and D. Evelyn Lyon, Esq., National Aeronautics and Space Administration, for the agency.
Nora K. Adkins, Esq., and Amy B. Pereira, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of protester's proposal is denied where the agency reasonably concluded that the protester modified the solicitation's pre-populated labor categories without providing supporting rationale as required by the solicitation.

DECISION

Arctic Slope Mission Services, LLC, an 8(a) small business concern located in Beltsville, Maryland, protests the National Aeronautics and Space Administration's (NASA) rejection of its proposal pursuant to request for proposals (RFP) No. NNL17ZB1002R for administrative, media, and professional support services at Langley Research Center. The protester argues that the agency's decision to eliminate Arctic Slope's proposal from the competition was unreasonable.

We deny the protest.

BACKGROUND

On July 14, 2017, NASA issued the solicitation as an 8(a) small business set-aside under the procedures of Federal Acquisition Regulation (FAR) part 15. RFP¹ at 1, 56.

¹ All citations to the solicitation herein are to the conformed copy issued on August 1, 2017, as amendment No. 1. RFP amend. No. 1.

The RFP sought support services for various NASA organizations, programs, and projects throughout NASA Langley Research Center including: administrative support services; media support services (photography, graphics, video, printing and duplication, and digitization); professional support services (human resources support, financial management support, library and information management, and records management); and science and technical information support (communication support, public affairs and outreach, education, technology transfer, acquisition and contract management support, export control, and sign language interpreter support services). Contracting Officer (CO) Statement at 1-2; RFP, Exh. A., Performance Work Statement.

The solicitation contemplated the award of an indefinite-delivery, indefinite-quantity fixed-price contract, with a cost-reimbursable (no-fee) contract line item for other direct costs, for a 1-year base period and four 1-year option periods. RFP at 10, 42. Award would be made on the basis of a tradeoff between the past performance and price factors of technically-acceptable proposals. Id. at 56.

With respect to cost/price, the RFP provided multiple cost/price forms to be submitted by the offerors. Id. at 49-50. The solicitation provided detailed instructions for completing the forms and advised that an offeror's failure to comply with all price proposal instructions could result in proposal rejection. Id. at 49-53. As relevant here, the RFP instructed an offeror to submit its prime labor hours and rates in form B--Prime Labor Hours & Rates. Id. at 49-50. This form included 36 pre-populated labor categories and required an offeror to complete the following information for each category including, as relevant here: classifying each category as Service Contract Act (SCA) wage determination applicable or Exempt, and providing a Department of Labor (DOL) code for all wage determination categories. Id. at 50; attach. II, Cost/Price Forms, Form B. The RFP also advised that an offeror was permitted to modify the RFP labor categories to reflect its proposed technical approach if the offeror fully explained the rationale for proposing labor categories that differed from those in the solicitation and provided a correlation to the solicitation's labor categories. Id. at 50. The agency also provided, in exhibit H, a description of the duties, qualifications, skills, and experience for each of the 36 labor categories listed in form B. Id.; attach. II, Cost/Price Forms, Exh. H.

The agency received multiple proposals by the August 15 due date, including a proposal from Arctic Slope. CO Statement at 4, 8. During its evaluation of the proposals, the agency determined that Arctic Slope had modified the labor categories provided in form B. Id. at 8; see Agency Report (AR), Tab 14, Price/Cost Analysis Mapping. In this regard, the agency's cost/price analyst reviewed Arctic Slope's form B and found that while the labor category functional title was the same as the pre-populated labor category functional title, the DOL code referenced by Arctic Slope provided a materially different description of duties for a majority of Arctic Slope's proposed categories. AR, Tab 14, Price/Cost Analysis Mapping. The cost/price analyst informed the contracting officer and source selection evaluation board of his findings. CO Statement at 8 n.1; Tab 17, Memorandum to Source Selection Evaluation Board (SEB). Thereafter, the agency excluded Arctic Slope from the competition because its

labor categories were mapped to wage determination labor categories that did not correspond to the agency's requirements provided in exhibit H, and Arctic Slope failed to provide a rationale for the labor category modification in accordance with the solicitation instructions. AR, Tab 19, Arctic Slope Unacceptable Proposal Letter. The contracting officer notified Arctic Slope of its elimination from the competition on August 28. Id.

On September 18, Arctic Slope received its debriefing; it filed this protest on September 27.

DISCUSSION

Arctic Slope challenges the agency's evaluation of its proposal. The protester asserts that the agency incorrectly determined that Arctic Slope changed the labor categories provided in the solicitation. The protester contends that rejection of its proposal was improper because Arctic Slope did not modify the solicitation labor categories and thus, it was not required to provide a rationale for departing from the pre-populated categories. Based on our review of the record, we find the agency's actions unobjectionable.

In reviewing protests of alleged improper evaluations, it is not our role to reevaluate proposals; rather, we will examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement laws and regulations. IN2 LLC, B-408099 et al., June 18, 2013, 2013 CPD ¶ 149 at 5. An offeror has the burden of submitting an adequately written proposal, and it runs the risk that its proposal will be evaluated unfavorably when it fails to do so. Recon Optical, Inc., B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6. A protester's disagreement with an agency's judgment is not sufficient to establish that an agency acted unreasonably. See A&T Systems, Inc., B-410626, Dec. 15, 2014, 2015 CPD ¶ 9 at 3. Based on our review of the record, we find that the agency's evaluation of Arctic Slope's proposal was reasonable.

As stated above, the solicitation provided pre-populated labor categories for 36 non-program management positions. RFP, attach. II, Cost/Price Forms, Form B. Offerors were to determine, based upon their technical approach, if a SCA wage determination applied, or if the labor category was exempt. Id. If the offeror determined that the labor category proposed was subject to the wage determination, the cost/price forms included an area to enter a DOL code. Id. This code corresponded to an SCA Directory of Occupations labor category title and description. Id.; AR, Tab 22, SCA Directory of Occupations (5th Edition). The solicitation permitted offerors to modify the pre-populated labor categories if the offeror fully explained the rationale for proposing labor categories that differed from those in the solicitation and provided a correlation to the RFP's labor categories. RFP at 50. The RFP provided a description of the duties, qualifications, skills, and experience for each of the 36 pre-populated labor categories listed. RFP, attach. II, Cost/Price Forms, Exh. H.

The protester argues that the agency's evaluation was flawed because Arctic Slope's proposal did not change the labor categories provided in the solicitation. In this regard, Arctic Slope argues that it proposed the labor categories provided in the solicitation and contends that the choice of DOL code had no effect on the labor category offered. We disagree.²

The evaluators concluded that the DOL code chosen by Arctic Slope provided a materially different job description than found in the solicitation for a majority of the 36 pre-populated labor categories. AR, Tab 14, Price/Cost Analysis Mapping; Tab 17, Memorandum to SEB. The agency also found that Arctic Slope's proposal did not provide an explanation of why its chosen DOL codes did not correspond to the solicitation's labor categories. AR, Tab 17, Memorandum to SEB, at 1. While we do not address each of the labor categories that the agency determined to be materially different than the solicitation's provided categories, as detailed below, the following two categories provide a representative sample.

For the pre-populated labor categories of both Education Program Specialist and Interpreter, the protester marked the categories as subject to the wage determination and provided the following DOL code:

Labor Category Title	DOL Code	DOL Labor Category Title
Education Program Specialist	1113	General Clerk III
Interpreter	1113	General Clerk III

AR, Tab 10, Arctic Slope Proposal, Form B.

The DOL code provided by Arctic Slope referenced the General Clerk III labor category title, which is described in the SCA Directory of Occupations follows:

General Clerk III: This position uses some subject-matter knowledge and judgment to complete assignments consisting of numerous steps varying in nature and sequence. The General Clerk III selects from alternative methods and refers problems not solvable by adapting or interpreting substantive guides, manuals, or procedures. Typical duties include: assisting in a variety of administrative matters; maintaining a wide variety of financial or other records (stored both manually and electronically);

² We do not address all of the protester's allegations herein; however, we have considered each allegation and find no basis to sustain the protest. For example, the protester challenges the adequacy of the evaluation record. We have reviewed the record and conclude that NASA's documentation provides sufficient support for the agency's decision to exclude Arctic Slope's proposal from the competition. See A&T Sys., Inc., B-410767, Feb. 10, 2015, 2015 CPD ¶ 95 at 4-6; Global Integrated Sec. (USA) Inc., B-408916.3 et al., Dec. 18, 2014, 2014 CPD ¶ 375 at 11.

verifying statistical reports for accuracy and completeness; compiling information; and handling and adjusting complaints.

AR, Tab 22, SCA Directory of Occupations (5th Edition), at 6. The solicitation provided the following description of duties for an education program specialist and interpreter:

Educational Program Specialist: Supports the formulation and implementation of policy concerning education problems and issues using a professional knowledge of education theories, principles, processes, and practices at early childhood, elementary, secondary, or post-secondary levels, or in adult or continuing education as well as knowledge of the Federal Government's interrelationships with State and local educational agencies or with public and private postsecondary institutions. . . .

Interpreter: Converts between spoken communication and sign language requiring an ability to pay attention carefully, understand what is communicated in both languages, and express thoughts and ideas clearly. Employs strong research and analytical skills, mental dexterity, and an exceptional memory. Provides Communication Access Real-time Translation (CART).

RFP, attach. II, Cost/Price Forms, Exh. H, at 3-4, 6-7.

The agency found that the General Clerk III labor category did not align with the Educational Program Specialist category because the General Clerk III category did not formulate policy requiring professional knowledge and that, with respect to the interpreter labor category, the General Clerk III description was inadequate to fulfill the duties of an interpreter. AR, Tab 14, Price/Cost Analysis Mapping, at 2; Tab 17, Memorandum to SEB, at 2.

We find nothing unreasonable with this determination based upon the descriptions provided above. While the protester is correct that it submitted the same labor category title as provided in the solicitation, the proposal mapped to a DOL code labor category description that was materially different from the RFP description for a majority of the 36 labor categories. Moreover, if we were to accept the protester's assertion that an offeror's choice of DOL code could not change the labor category listed in its proposal, an offeror could propose any DOL code it wished without an explanation of how the solicitation requirements would be met. This argument is an unpersuasive attempt to elevate form over substance.

While we recognize that the protester's proposal also included a table with the labor category information provided in exhibit H, Arctic Slope nevertheless mapped these labor categories to SCA wage determination labor categories that were materially different and failed to provide its rationale for the discrepancies in its proposal. See AR, Tab 10, Arctic Slope Proposal, at A2-1--A2-16; Form B. Thus, even if Arctic Slope intended to propose the same labor categories as listed in the solicitation, we find the agency's evaluation reasonable because the protester included inconsistent labor

category descriptions without any explanation. See Affolter Contracting Co., Inc., B-410878, B-410878.2, Mar. 4, 2015, 2015 CPD ¶ 101 at 7 (Agencies are not required to infer information from an inadequately detailed proposal, or to supply information that the protester elected not to provide.).

The protester also asserts that the DOL codes it chose were reasonably based upon its attempt to match the education and experience requirements given in the solicitation. This argument fails, as the RFP provided detailed descriptions of the duties associated with the labor categories, and an offeror could not reasonably ignore these descriptions. In this regard, even if the protester matched the education and experience requirements of the interpreter labor category, it is clear that the General Clerk III position could not fulfill the interpreter duties.³ Without further explanation as to how a General Clerk III position could meet the solicitation's interpreter requirements, the agency was left guessing as how the duties of the interpreter would be fulfilled. Since it is a protester's duty to submit an adequately written proposal, and it risks that its proposal will be evaluated unfavorably when it fails to do so, we find no basis to question the agency's decision to exclude Arctic Slope's proposal for failing to provide any support for the discrepant labor categories.

The protest is denied.

Thomas H. Armstrong
General Counsel

³ We note that the SCA Directory of Occupations provides an Interpreter (Sign Language) labor category, which is described as follows: "interprets for deaf and hearing impaired persons, is skilled in interpreting rapid-fire conversations, provides translations between spoken and manual (sign language) communication, translates spoken material into sign language for understanding of deaf, and interprets sign language of deaf into oral or written language for hearing individuals or others not conversant in sign language. The interpreter may translate television news and other broadcast for deaf viewers." AR, Tab 22, SCA Directory of Occupations, at 111.