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Decision

Matter of: Dexis Consulting Group

File: B-415483

Date: December 26, 2017

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Michelle E. Litteken, Esq., Pamela Mazza, Esq., Julia Di Vito, Esq., and Matthew Feinberg, Esq., Piliero Mazza PLLC, for Social Impact, the intervenor.
Robert D. Banfield, Esq., Department of the Interior, for the agency.
Frank Maguire, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging technical evaluation of protester's proposal is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

Dexis Consulting Group of Washington, D.C., protests the decision of the Department of the Interior (DOI) not to award it a contract for functional area 7 under request for proposals (RFP) No. D17PS00713, for performance management and evaluation services for the Department of State.¹ The protester challenges the agency's evaluation of its proposal.²

We deny the protest.

¹ The procurement was conducted by DOI on behalf of the Department of State (DOS). See RFP at 2.

² The protester was an awardee under the previous solicitation for these services. See Memorandum of Law (MOL) at 2.

BACKGROUND

The RFP contemplated the award of multiple indefinite-delivery, indefinite-quantity (IDIQ) contracts, with three to five awardees under each of seven functional areas (FA). The FAs were as follows: (FA1) Security; (FA2) Civilian Security, Rights and Stability; (FA3) Diplomacy, Media and Cultural Affairs Programs; (FA4) Environment, Science and Technology; (FA5) Economics, Business and Trade; (FA6) Management Platform; and (FA7) General/Crosscutting. Id. at 3. Offerors were required to submit a separate proposal for each FA for which they were competing. The solicitation anticipated a period of performance of one year, with four 1-year options.

Pertinent here, the RFP describes FA7, General/Crosscutting, as follows:

This functional area covers general performance-related support that may be required by a bureau, such as for strategic planning, performance measurement development, business analysis, training and support services, among others. It also covers subject matter evaluations that may cut across functional areas 1-6 but do not fall neatly into a single area. For instance, an evaluation of a program that encompasses some elements of civilian security or business but truly focuses on gender equity may be determined to fit best into functional area seven.

RFP at 17.

The RFP provided for the evaluation of FA7 proposals based on price (for a sample task order) and the following five equally-weighted non-price factors: management approach and technical understanding, personnel qualifications, organizational experience, past performance, and sample task order. RFP, attach. 8, FA7 (revised) at 2. The non-price factors, when combined, were significantly more important than price. The solicitation advised that non-price evaluation factors would be assigned a rating of excellent, very good, satisfactory or unsatisfactory, and that, in order to be considered for award, a minimum rating of satisfactory had to be achieved on all non-price factors. Id.

The protester submitted a proposal for FA7, as well as proposals for FAs 1 and 3, by the August 29 closing date. On September 26, the agency notified Dexis that it had not been awarded a contract under FA7.³ In a written debriefing provided on September 29, DOI advised the protester that, while its FA7 proposal had been rated as satisfactory under the personnel qualifications, organizational experience, and sample task order factors and as acceptable under the past performance factor, the proposal had been rated as unsatisfactory under the management approach and technical understanding factor, leading to an overall rating of unsatisfactory. The rating of

³ In contrast, Dexis was selected for award under FAs 1 and 3.

unsatisfactory was attributable to a finding of a deficiency, which provided in part as follows:

In the proposal Dexis states, "We understand that the goal of the Functional Area 7 IDIQ is to support State bureaus and offices with specific aspects of performance management and evaluation to strengthen the MfR [Managing for Results] framework. Having been a prime holder of the TASPER IDIQ for the last five years, Dexis has a firm grasp of the wide range of task order[s] that are asked for by the State bureaus and offices." Stating that the offeror understands the requirement and then stating that they understand the range of task orders offered is not the same as articulating an approach for providing services outlined for FA7. What the offeror has done is describe their current and past experience. Often times it seems as if the proposal has a difficult time getting past the solicitation language to argue for their own approach. "State requires high quality performance." Inventory of Dexis past work is not a substitute for technical understanding. The proposal will reference past work as a substitute for the technical understanding called for in the proposal.

Contracting Officer's Statement (COS) at 16.

On October 10, Dexis filed a protest with our Office.

DISCUSSION

Dexis protests the failure of the agency to award it a contract for FA7.⁴ The protester disputes the agency's finding of a deficiency, arguing that, in the Executive Summary of its proposal, it "articulated its understanding that FA7 related to DOS' requirement for 'performance and evaluation services to strengthen the Managing for Results (MfR) framework.'" The protester further argues that it "recognized that the 'goal' of FA7 was 'to support State bureaus and offices with specific aspects of performance management and evaluation to strengthen the MfR framework ... [with] the need to respond to TOs [task orders] on tight deadlines, the need to identify and access specialized subject matter experts (SME), and the expectations for the quality of the deliverables.'" Protest at 3. Dexis also asserts that rating its proposal as unsatisfactory under management approach and technical understanding was "fundamentally inconsistent with the Very Good ratings for [that factor] which Dexis received for FA1 and FA3." Protest at 2.⁵

⁴ IDIQ contracts were awarded under FA7 to DevTech, Deloitte, Management Systems International, PricewaterhouseCoopers, and Social Impact. COS at 16.

⁵ Dexis also asserts that its satisfactory ratings for the personnel qualifications and corporate experience factors were at odds with the exceptional and very good ratings Dexis received in these areas for its FA1 and FA3 evaluations. Id. Dexis points out that it proposed the same IDIQ personnel for FA7 as it had for FA1 and FA3, and asserts
(continued...)

The evaluation of technical proposals is primarily the responsibility of the contracting agency, since the agency is responsible for defining its needs and identifying the best method of accommodating them. Wyle Labs., Inc., B-311123, Apr. 29, 2008, 2009 CPD ¶ 96 at 5-6. In reviewing protests of an agency's evaluation, our Office does not reevaluate proposals; rather, we review the record to determine if the evaluation was reasonable and consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations. Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6.

Based on our review of the record, we find the agency's evaluation to have been reasonable. The RFP here required a definite description of how the offeror intended to perform the contract. For example, offerors were to provide "[e]vidence of specific methods and techniques for completing each discrete task, to include such items as quality assurance, and customer-service." See RFP attach. 8, FA7 (revised) at 3. Further, Section 4 of the Proposal Preparation Instructions advised:

Offerors shall provide a clear description of their conceptual approach and how they intend to structure implementation and deploy resources to achieve the deliverables of the IDIQ. Contractors shall demonstrate how their proposal comprehensively addresses the needs of the IDIQ.

* * *

Offerors shall very clearly specify how they are proposing to cover all elements of the scope (Section 2.4 of the Statement of Work) and demonstrate relevant qualifications.

RFP at 70; Proposal Preparation Instructions.

Here, although the RFP required a detailed description of how the offeror would perform the contract, the protester frequently relied instead on a recitation of its past experience or overall understanding of the requirements of the RFP. The protester provided ample discussion of its relevant past performance and current capabilities, but proffered little or no detailed, specific explanation of particular methods and techniques for completing each discrete task. As a representative example, Dexis's proposal responded to the element of the scope for "Program/project/process design" with the following broad generalities:

(...continued)

that its organizational experience would be the same for all three FAs. Id. Because, as discussed below, we find that the agency reasonably rated Dexis's proposal as unsatisfactory under the management approach and technical understanding factor, rendering it ineligible for award, we conclude that Dexis is not an interested party to challenge the agency's evaluation under the personnel qualifications and organizational experience factors.

Dexis provides project design expertise through multiple institutional support contracts including USAID's Bureaus for Asia and for Legislative and Public Affairs Surge Capacity Support program, Global Health Program Cycle Improvement Project (GH Pro), the Education Support Initiative, the Office of Afghanistan and Pakistan Affairs (OAPA) Manpower Support Contract, and the Local Sustainability Office Institutional Support Contract. Our technical staff have [sic] supported overseas missions with research and design of scopes of work consistent with U.S. Government (USG) requirements most recently in Vietnam, Burma, Haiti, Bangladesh, and Morocco. Technical sectors included education, governance, global health, stabilization, and economic growth.

Protest exh. D, Dexis Technical Proposal, Vol. I at 4. In our view, the protester simply has not shown that it fully complied with the RFP requirement for a detailed description of its approach to performing the contract tasks. As a consequence, we have no basis to conclude that the agency's evaluation was unreasonable.

Finally, with regard to the protester's argument that the evaluation of its proposal for FA7 was inconsistent with the favorable evaluations of its proposals under FAs 1 and 3, the contracting officer (CO) explains that FA7 was evaluated independently from FA1, which pertains to Security, and FA3, which pertains to Diplomacy, Media and Cultural Affairs Programs. COS at 18-19. The CO notes that [deleted] "[b]ecause the skillset and experience under each FA are different, it is possible that a contractor, who submitted an offer under multiple FAs, would receive different FA evaluation ratings." Id. As above, we find the CO's explanation to be reasonable.

The protest is denied.

Thomas H. Armstrong
General Counsel