



Decision

Matter of: SysVets, LLC

File: B-415694

Date: February 13, 2018

Greg Yette, for the protester.

Kenneth Brody, Esq., Thomas David, Esq., and Katherine David, Esq., David, Brody & Dondershine, LLP, for All Points Logistics, LLC, the intervenor.

James T. Van Biber, Esq., and Fallyme E. Guerrero, Esq., General Services 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 the agency's evaluation of the protester's proposal is denied where the proposal failed to comply with the solicitation requirement to provide documentation of an adequate accounting system for each joint venture member.

DECISION

SysVets, LLC, a service-disabled veteran-owned business (SDVOSB) joint venture¹, located in Oxen Hill, Maryland, challenges the elimination of its proposal from consideration for award pursuant to request for proposals (RFP) No. QTA0016AWA0001, issued by the General Services Administration (GSA) as an SDVOSB set-aside, to establish the Veterans Technology Services 2 government-wide acquisition contract to provide customized information technology (IT) services and IT services-based solutions. SysVets challenges the agency's evaluation of its proposal.

We deny the protest.

¹ The joint venture is comprised of Acquisition, Research and Logistics, Inc. (the majority member), Information Management Resources, Inc. (IMR), and Concept Solutions, LLC (CS). Agency Report (AR), Tab B.1.7, SysVet Joint Venture and Subcontractor Team Project Listing, at 1; Tab B.4.2, SysVet Vol. 4 Cost Accounting System Audit Information, at 1.

BACKGROUND

On April 21, 2016, the GSA issued the RFP pursuant to the procedures of Federal Acquisition Regulation part 15. RFP at 1². The solicitation contemplated the award of up to 70 indefinite-delivery, indefinite-quantity contracts on a best-value basis using a highest technically rated with a fair and reasonable price evaluation scheme. Id. at 75, 105. Under this scheme, offerors were to assign themselves points in the following categories: relevant experience; past performance; systems, certifications, and clearances; and risk assessment.³ Id. at 109-110. The RFP provided a total of 100,000 possible points under these categories, and further provided a detailed explanation of the point scheme, including the elements that make up the categories, and an explanation as to the required supporting documents. Id. at 78-111.

As relevant to this protest, the RFP provided 5,000 possible points for an offeror's "Cost Accounting System." Id. at 110. In order to establish that an offeror was entitled to the 5,000 points, the RFP stated that an offeror's supporting documents must include verification from the Defense Contract Audit Agency (DCAA), Defense Contract Management Agency (DCMA), or any Cognizant Federal Agency (CFA) of an acceptable accounting system that has been audited and determined adequate for determining costs applicable to the contract or order. Id. at 96. Offerors were required to provide the name, address, phone number, and email of the representative at their cognizant DCAA, DCMA, or CFA and submit, if available, a copy of the Pre-Award Survey of Prospective Contractor Accounting System. Id. If the pre-award survey was not available, the offeror was required to submit a letter received from the auditing agency, on auditing agency letterhead, indicating unequivocally that the offeror's accounting system was audited and determined adequate for cost reimbursement contracting. Id. With respect to joint ventures, the solicitation required documentation of a cost accounting system audit in the name of the joint venture itself or documentation in the name of each member of the joint venture. Id. at 85.

According to the RFP's evaluation scheme, the agency would first rank all offerors by highest point score to lowest point score using the offeror's self-scoring worksheet. Id. at 106. After the top 70 firms were identified, the evaluation team would evaluate and verify the supporting documentation for each evaluation element that was assigned points by the offeror in the self-scoring worksheet. Id. Once the offerors were evaluated and verified, the evaluation team would analyze the offerors' pricing to determine whether it was fair and reasonable. Id. If an offeror's price was found to be fair and reasonable, the firm would be awarded a contract. Id. The RFP provided that the agency intended to award up to 70 contracts; however, the RFP clarified that in the

² The solicitation was amended four times. All citations herein are to the conformed copy provided as RFP amendment No. 4.

³ The solicitation included an attachment for the offerors to enter their assigned points. RFP attach. J.P-5, Document Verification and Self Scoring Worksheet, at 1-3.

event of a tie at the position of number 70, all offerors tied for this position shall receive an award. Id.

SysVets submitted a proposal in response to the solicitation by the June 17 closing date. Contracting Officer Statement (COS) at 2. SysVets' self-scoring worksheet provided for a total of 74,900 points. AR, Tab B.1.3, SysVets Self-Scoring Worksheet, at 3. With respect to the cost accounting system category, SysVets entered a score of 5,000. Id. SysVets proposal also included the following statement: "SysVets, LLC (SysVets) is a Joint Venture (JV) and Acquisition, Research and Logistics, Inc. (ARL) is our majority member owning 51% of SysVets. ARL's Accounting System has been audited by the Defense Contracts Audit Agency (DCAA) and has been found to be adequate to handle Cost Reimbursable contracts." AR, Tab B.4.2, Cost Accounting System, at 1. SysVets' proposal also included a DCAA audit report on ARL's pre-award accounting system design. AR, Tab B.4.1, DCAA Audit of ARL, at 1-7. SysVets' proposal did not include any documents with respect to the joint venture (SysVets) or the other two joint venture members (IMR and CS).

The agency received multiple proposals in response to the solicitation. The agency began its evaluation, as described in the solicitation, with the 70 highest self-scored proposals. With respect to the protester, the agency identified SysVets, as one of the 70 highest self-scored proposals, with a self-score total of 74,900 points. AR, Tab F.1, Debriefing, at 3. In verifying the protester had included the documentation to support its score, the agency found that SysVets failed to provide documentation to support 5,000 points under the cost accounting system element. Id. In this regard, the agency concluded that while the audit report for ARL was provided, there was no mention of a cost accounting system audit for the other joint venture members. Id. Thus, the agency deducted 5,000 points, which lowered SysVets overall score to 69,900, and removed it from award consideration.⁴ Id.

DISCUSSION

SysVets challenges the agency's evaluation of its proposal. The protester argues that the agency's deduction of 5,000 points under the cost accounting system element was unreasonable. SysVets alleges that the agency should have concluded that ARL's audit documentation was sufficient to maintain the 5,000 points because it is the majority member of the joint venture and is solely responsible for making all management and executive decisions. SysVets also contends that, while it did not provide documentation in its proposal, each of the joint venture members have audited cost accounting systems. As explained below, we find no basis to sustain the protest.

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

⁴ The record demonstrates that the 70th award was made to a firm whose proposal received 74,550 points. AR, F.3, Offeror Ranking and Technical Ratings at 2.

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. In this regard, an offeror has the burden of submitting an adequately written proposal, where a proposal omits, inadequately addresses, or fails to clearly convey required information, the offeror runs the risk of an adverse agency evaluation. Addvetco, Inc., B-412702, B-412702.2, May 3, 2016, 2016 CPD ¶ 112 at 7-8. A protester's disagreement with an agency's judgment is not sufficient to establish that an agency acted unreasonably. A&T Sys., Inc., B-410626, Dec. 15, 2014, 2015 CPD ¶ 9 at 3.

As described above, the solicitation required offerors to submit specific documentation with their proposals to verify the points assigned in its self-scoring worksheet. With respect to the cost accounting system audit, the solicitation required that the documentation be provided in the name of the joint venture or in the name of each joint venture member.

The agency's evaluation of SysVets' proposal found that the protester provided cost accounting system audit documentation for ARL but failed to submit documentation in the name of the other joint venture members (IMR and CS). The evaluators deducted the 5,000 points that SysVets self-scored under this element for failure to provide the required documentation for the other two joint venture members.

Based on this record, we find the agency reasonably evaluated the protester's proposal. While the protester asserts that the agency should not have deducted the points because SysVets' proposal provided cost accounting system audit documentation for the majority member of the joint venture, this information alone is not sufficient to comply with the clear and unambiguous terms of the solicitation, which required documentation for each joint venture member. Because SysVets did not provide documentation of IMR's and CS's audited cost accounting system with its proposal, we find no reason to object to the agency's evaluation.⁵

The protest is denied.

Thomas H. Armstrong
General Counsel

⁵ In its comments SysVets argues, for the first time, that the agency engaged in clarifications with some offerors, but not with SysVets. We dismiss this allegation as untimely. Technology and Telecomm. Consultants, Inc., B-415029, Oct. 16, 2017, 2017 CPD ¶ 320 at 4 n.4. (A protester must raise all protest arguments in its initial protest filing; otherwise the later raised arguments constitute piecemeal protests which are untimely and not tolerated by the bid protest system.)