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Decision

Matter of: Global Asset Technology, LLC

File: B-415860; B-415860.2

Date: March 29, 2018

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DIGEST

Protest that the agency misevaluated awardee's technical proposal is denied where the record shows that the agency evaluated the proposal consistent with the terms of the solicitation.

DECISION

Global Asset Technology, LLC (GAT), of Anchorage, Alaska, protests the award of a contract to Tactical Air Operations, LLC (TAO), of Jamul, California, under request for proposals (RFP) No. FA3002-16-R-0023, issued by the Department of the Air Force for military free fall training. The protester alleges that the agency unreasonably evaluated the awardee's proposal as meeting the requirements of the solicitation's performance work statement (PWS).

We deny the protest.

BACKGROUND

On March 10, 2017, the agency issued the RFP to acquire military free fall training services for to up to 300 students per year.¹ Agency Report (AR), Tab 31, Final

¹ Military free fall training is an initial skills course that provides "academic, ground, vertical wind tunnel/simulation, and military free fall training to first time jumpers that meets United States Special Operations Command/United States Army Special

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Revised PWS, at 4.² The competition was conducted pursuant to the negotiated procedures of Federal Acquisition Regulation (FAR) part 15. AR, Tab 6, Section M, at 1. The solicitation contemplated the issuance of an indefinite-quantity, indefinite-delivery (IDIQ), fixed-price contract with a 5-year base period.³ Id. at 1; AR, Tab 3, Synopsis Solicitation, at 3, 5.

Award was to be made on a best-value tradeoff basis, considering the following factors: (1) technical; (2) past performance; (3) price; and (4) small business participation. AR, Tab 6, Section M, at 1, 2. The RFP advised that the technical factor was more important than either past performance or price. Past performance was equal to price, while small business participation was the least important evaluation factor. Id. at 2. Additionally, the technical and past performance factors, when combined, were significantly more important than price, however, price was to “contribute substantially to the selection decision.” Id.

The technical factor was comprised of the following four subfactors: (1) mobilization; (2) staffing; (3) security; and (4) integrated operations. Id. The integrated operations subfactor was more important than the other three subfactors combined.⁴ Id. at 3.

For the integrated operations subfactor, proposals could be assigned an adjectival rating of outstanding, good, acceptable, marginal, or unacceptable.⁵ Id. at 4. The rating was to reflect the degree to which an offeror’s approach met or did not meet the solicitation’s minimum performance or capability requirements. In order to receive an acceptable or better rating for this subfactor, a proposal had to meet the minimum requirements identified in the solicitation’s instructions to offerors.⁶ Id. at 8.

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Operations Command . . . curriculum requirements.” AR, Tab 31, Final Revised PWS, at 4.

² The agency report was prepared using a sequential tab and page numbering system. Citations to the record make reference to the sequential tab and page numbers assigned by the agency.

³ The solicitation contemplated a 4-month period for mobilization and a 56-month period for training. AR, Tab 3, Synopsis Solicitation, at 3, 5.

⁴ The mobilization, staffing, and security subfactors were all of equal importance. AR, Tab 6, Section M, at 3.

⁵ However, for the mobilization, staffing, and security subfactors, proposals would only be assigned an acceptable or unacceptable rating. AR, Tab 6, Section M, at 4.

⁶ Although risk would be considered in the evaluation of all technical subfactors, a technical risk rating would only be assigned under the integrated operations subfactor. AR, Tab 6, Section M, at 5. Proposals could be assigned a risk rating of low, moderate, high, or unacceptable. Id.

As relevant here, one aspect of an offeror's proposal to be evaluated under the integrated operations subfactor was the offeror's ability to provide emergency support services. Id. at 10. Proposals were to be evaluated on how offerors intended to meet the emergency, fire, crash, rescue and medical requirements identified in the solicitation's PWS. Id. In this regard, the solicitation instructed offerors to describe the emergency response services at the airfields identified in an offeror's proposal.⁷ AR, Tab 32, Final Revised Section L, at 8; AR, Tab 6, Section M, at 10. Proposals had to describe what emergency response assets the offeror had and the number of personnel available to respond to fires, aircraft accidents, and accidental injury to personnel and students. Id. Furthermore, offerors had to detail where an ambulance would come from and how long it would take the ambulance to get to the proposed training facilities. Id. If emergency response services were not normally available at an airfield being proposed by an offeror, proposals had to describe how emergency services would be provided. Id. Finally, the solicitation's PWS stated that offerors had to have the ability to transport a patient to "definitive care" within 90 minutes after an injury, and required offerors to ensure that students had access to medical care with flight approved practices and medications to include transportation for medical treatment in the event of injury or illness.⁸ AR, Tab 31, Final Revised PWS, at 10.

The Air Force received six proposals by the solicitation's May 23, 2017 closing date. Contracting Officer Statement (COS) at 4. Initial evaluations were conducted by an Air Force source selection evaluation board (SSEB). AR, Tab 38, SSEB Initial Evaluation, at 1-223. After initial evaluations were completed, the agency established a competitive range which excluded all proposals except for the ones submitted by GAT and TAO. AR, Tab 39, Competitive Range Determination, at 6-9. The agency then opened discussions, and gave GAT and TAO an opportunity to submit final proposal revisions. Id. at 8. After discussions concluded and final proposal revisions evaluated, the following ratings were assigned:

⁷ Emergency response services were identified as fire, ambulance, and crash and rescue services. AR, Tab 32, Final Revised Section L, at 8; AR, Tab 6, Section M, at 10.

⁸ The PWS does not otherwise define what constitutes "definitive care," but it does list "Level 1-2" designated trauma centers as examples. AR, Tab 31, Final Revised PWS, at 10.

	GAT	TAO
Technical Factor⁹		
Mobilization Subfactor	Acceptable	Acceptable
Staffing Subfactor	Acceptable	Acceptable
Security Subfactor	Acceptable	Acceptable
Integrated Operations Subfactor¹⁰	Outstanding	Outstanding
Past Performance/Confidence	Satisfactory	Satisfactory
Total Evaluated Price	\$35,673,216	\$17,137,300
Small Business Participation	Acceptable	Acceptable

AR, Tab 42, SSEB Final Proposal Revisions (FPR) Evaluation, at 1-2, 4; Tab 43, Source Selection Decision (SSD), at 2-3.

On December 13, 2017, after conducting an integrated assessment of the proposals in accordance with the RFP's evaluation criteria, the source selection authority (SSA) concluded that the proposal submitted by TAO represented the best overall value to the government. AR, Tab 43, SSD, at 3.

The Air Force awarded the contract to TAO on December 18. AR, Tab 50, Contract Award Document, at 1. The contracting officer (CO) provided GAT with a written post-award debriefing that same day. AR, Tab 48, GAT Debrief, at 1. This protest was filed with our Office on December 26.

DISCUSSION

GAT contends that the agency improperly evaluated TAO's proposal under the integrated operations subfactor because TAO failed to comply with the emergency support requirements of the solicitation's PWS.¹¹ Supplemental Protest at 1-5; Supplemental Comments at 1-5. More specifically, the protester asserts that TAO lacks the ability to transport patients from its [DELETED] advanced training facility to definitive care within 90 minutes after an injury, and that the agency failed to evaluate and document whether TAO's proposal demonstrated such capability. Id.

⁹ The agency did not assign an overall rating to offerors' proposals under the technical factor.

¹⁰ GAT received a moderate risk rating while TAO received a low risk rating under the integrated operations subfactor. AR, Tab 42, SSEB FPR Evaluation, at 1, 4; Tab 43, SSD, at 3.

¹¹ The protester withdrew its initial protest allegations on March 7, 2017. Notification of Initial Protest Withdrawal at 1. This remaining allegation was filed as a supplemental protest on February 5. Supplemental Protest at 1.

In reviewing protests challenging an agency's evaluation of proposals, our Office will not reevaluate proposals, but rather will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement statutes and regulations. VSE Corp., B-414057.2, Jan. 30, 2017, 2017 CPD ¶ 44 at 8. The evaluation of proposals is primarily a matter within the agency's discretion, since the agency is responsible for defining its needs and identifying the best method for accommodating them. Id. A protester's disagreement with the agency's judgments, without more, is not sufficient to render the evaluation unreasonable. NCS/EML JV, LLC, B-412277 et al., Jan. 14, 2016, 2016 CPD ¶ 21 at 8.

As relevant here, TAO's proposal identified one fire station and [DELETED] medical trauma centers that were within [DELETED] to [DELETED] miles from its [DELETED] training center.¹² AR, Tab 44, TAO Technical Proposal, at 45, 62. The response times from TAO's [DELETED] training center to these respective [DELETED] facilities was identified as a [DELETED] drive, [DELETED] flight, [DELETED] flight, and [DELETED] flight. Id. The proposal also stated that TAO's emergency staff at its [DELETED] training center was made up of [DELETED] and [DELETED]. Id. TAO also noted that it intended to request a waiver for on-site services because of the number of emergency resources that were available within close proximity to the airfields and drop zones. Id. at 62. Furthermore, TAO's proposal identified how the company intended to respond to inflight and drop zone emergencies by laying out a plan which identified the various minimum steps to be taken in various emergency situations. Id. at 63-64.

The SSEB evaluated the emergency support services information contained in TAO's initial proposal and concluded that the proposal "demonstrated the ability to meet the [e]mergency, [f]ire, [c]rash, [r]escue and [m]edical [r]equirements" of the solicitation's PWS. AR, Tab 38, SSEB Initial Evaluation, at 206. The initial evaluation also recognized TAO's intent to request a waiver for onsite emergency services, and determined that the waiver request was likely to be approved. Id. Accordingly, the SSEB found that TAO's initial proposal contained no weaknesses and met all the solicitation's PWS emergency support services requirements. Id. at 206-207. After discussions concluded, the SSA and SSEB made no changes to this determination. AR, Tab 40, Update to SSEB Report, at 10-11; Tab 42, SSEB FPR Evaluation, at 4-6; Tab 43, SSD, at 1-3.

Here, our review of the record confirms that the Air Force reasonably evaluated, and adequately documented its determination that TAO's proposal demonstrated an ability to meet the solicitation's PWS emergency support services requirements. The response times identified in TAO's proposal from its [DELETED] advanced training facility to emergency facilities, all indicate a travel time of [DELETED] or less. AR, Tab 44, TAO Technical Proposal, at 45, 62. The protester contends that TAO's proposal

¹² At least one of the medical centers identified in TAO's proposal was categorized as a level 2 trauma center. AR, Tab 44, TAO Technical Proposal, at 45, 62.

fails to demonstrate that patients can be transported to a definitive care facility within 90 minutes after an injury because it contains no information for “the time between reporting of the injury, and contact with the dispatcher for the transport aircraft, time between contact and lift-off, time for triage and loading of the injured person onto the transport aircraft or the time necessary to move the patient from the aircraft to the facility.” Supplemental Comments at 4. GAT, however, fails to identify where in the solicitation or PWS this information was required.

The protester’s argument that it was insufficient for TAO to provide only flight and drive times is unpersuasive here because, as we have previously noted, the agency is responsible for defining its needs and identifying the best method for accommodating them. VSE Corp., supra. Therefore, the evaluation of proposals is primarily a matter within the agency’s discretion, and particularly where matters of human life and safety are involved, our Office will afford considerable deference to the judgments of the agency’s technical experts. See, e.g., Siq Sauer, Inc., B-402339.3, July 23, 2010, 2010 CPD ¶ 184 at 2; Ultra Electronics Ocean Systems, Inc., B-400219, Sept. 8, 2008, 2008 CPD ¶ 183 at 9. The record reflects the Air Force’s conclusion that TAO’s proposal met all of the minimum emergency support service requirements identified in the PWS; and the information contained in TAO’s proposal supports that conclusion. GAT’s disagreement with the agency’s judgement, without more, is not sufficient to establish a basis upon which we can sustain its protest. NCS/EML JV, LLC, supra.

The protest is denied.

Thomas H. Armstrong
General Counsel