



Decision

Matter of: Systems Kinetics Integration, Inc.

File: B-416350

Date: August 10, 2018

E. A. Dever Jr., for the protester.
Tamiesha C. Robinson-Asbery, Esq., and Wade L. Brown, Esq., Department of the Army, for the agency.
Pedro E. Briones, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest of the agency's technical evaluation is denied where the record shows that the agency reasonably found the protester's key personnel did not meet the solicitation's minimum qualification requirements.

DECISION

Systems Kinetics Integration, Inc. (SYSKIN), of Marstons Mills, Massachusetts, protests the award of a contract to MDB Group LLC, of Lorton, Virginia, under request for proposals (RFP) No. W91CRB-17-R-0030, issued by the Department of the Army for technical, analytical, and financial services. The protester challenges the evaluation of its key personnel and the agency's source selection decision.

We deny the protest.

BACKGROUND

The RFP was issued by the Army Contracting Command-Aberdeen Proving Ground pursuant to Federal Acquisition Regulation (FAR) part 15 and set aside for service-disabled veteran-owned small businesses. Agency Report (AR), Tab 17, RFP, at 1, 47, 90.¹ The RFP included a detailed performance work statement (PWS)

¹ Our citations to the RFP are to the conformed version of the solicitation provided in the agency report.

requiring the contractor to provide a broad range of subject matter expertise, analysis, and programmatic support services for the Force Development Directorate of the Army's Office of the Deputy Chief of Staff G-8 (G-8/FD). See RFP § C, PWS, §§ 1.0-1.3. The solicitation provided for the award of a time-and-materials contract (for a base year and two 1-year option periods) on a best-value tradeoff basis, considering five evaluation factors: technical approach; personnel qualifications; management approach; past performance; and price.² RFP at 58, 90, 93. Offerors were to submit separate proposal volumes corresponding to each evaluation factor. Id. at 82.

With respect to the personnel qualifications factor, of relevance here, offerors were to propose various key personnel as specified in the PWS and the RFP's workload data, including a number of senior analysts and senior "operations research systems analysts" (ORSA). Id. at 85-86; PWS § 2.2; AR, Tab 8, RFP attach. 4, Workload Data. Offerors were to provide a letter of intent for each of their key personnel, as well as a resume describing the individual's education, experience, relevant skills, qualifications (as specified in the PWS), and proposed PWS billet (i.e., position associated with particular PWS tasks), among other things. RFP at 85-86. Offerors were also to submit a staffing matrix listing all proposed personnel (both key and non-key), their security clearance level, proposed labor category, etc. Id. The RFP stated that an offeror's proposal, including resumes, should satisfy all of the agency's requirements, provide extensive detail indicating the offeror's thorough understanding of the personnel requirements, and propose candidates with significant strengths that presented an overall low degree of risk in meeting the requirements. See id. at 92.

The Army received proposals from three offerors, including SYSKIN and MDB (the incumbent). Contracting Officer's Statement & Memorandum of Law (COS/MOL) at 8; see AR, Tab 10, RFP Questions & Answers, No. 29. A technical evaluation team (TET) assessed offerors' technical proposals and past performance. See AR, Tab 33, Source Selection Decision (SSD), at 5. Following the TET's initial evaluation, the contracting officer determined that discussions were necessary and established a competitive range consisting of SYSKIN and MDB. Id. at 5-6; COS/MOL at 10-12.

The agency held two rounds of discussions. Id. During each round, the contracting officer sent SYSKIN an evaluation notice (EN) informing the company that its proposal was assessed deficiencies and found unacceptable under the personnel qualifications evaluation factor, because a number of SYSKIN's proposed key personnel failed to

² The RFP stated that the technical approach and personnel qualifications factors were of equal importance. RFP at 90. The management approach factor was more important than price, but less important than technical approach and personnel qualifications. Id. Finally, the non-price factors, when combined, were more important than price. Id.

meet the PWS's requirements.³ AR, Tab 29, 1st EN, at 1-3; Tab 31, 2d EN, at 1-2. Among other things, SYSKIN was informed that one of its senior analysts lacked the minimum 8 years of experience and expertise in force development duties, and one of its senior ORSAs lacked the minimum 8 years of ORSA experience at the most senior levels of the military. AR, Tab 29, 1st EN, at 2; Tab 31, 2d EN, at 1. The same individuals' resumes were identified as deficient during both rounds of discussions. Id.

The Army requested final revised proposals (FRPs) from SYSKIN and MDB, which were evaluated as follows:

	SYSKIN	MDB
Technical (overall)	Unacceptable	Acceptable
<i>Technical Approach</i>	Acceptable	Acceptable
<i>Personnel Qualifications</i>	Unacceptable	Acceptable
<i>Management Approach</i>	Acceptable	Acceptable
Past Performance	Acceptable	Acceptable
Total Evaluated Price	\$38,776,542	\$38,975,036

AR, Tab 33, SSD, at 6; Tab 35, Debriefing, 7.⁴

SYSKIN's unacceptable rating under the personnel qualifications factor, and overall, reflected the TET's continued assessment that the senior analyst and senior ORSA--the same two individuals identified during both rounds of discussions--did not meet the PWS's minimum requirement of 8 years of relevant experience.⁵ AR, Tab 32, Final TET Rep., at 1-3. SYSKIN had otherwise addressed, in its revised proposal or FRP, deficiencies that the TET had previously assessed with respect to other proposed key personnel. See id. at 1; AR, Tab 30, 2d TET Rep., at 1-5. SYSKIN's proposal was also

³ The TET's findings, the RFP's evaluation provisions under the personnel qualifications factor, and the PWS's personnel requirements are discussed in relevant part below. The content of MDB's discussions are not at issue here, and need not be addressed.

⁴ The RFP provided that proposals would be assessed an adjectival rating of outstanding, acceptable, or unacceptable under the personal qualifications evaluation factor. RFP at 92-93. Unacceptable was defined as "[p]roposal does not meet requirements of the solicitation and, thus, contains one or more deficiencies and is unawardable." Id. at 93. The RFP stated that an acceptable rating must be achieved for all non-price evaluation factors, and that a deficiency assessed under any one of those factors could constitute a basis for rejection of a proposal. See id. at 90.

⁵ To be clear, the same two individuals were identified as deficient in: (1) the agency's initial technical evaluation; (2) the second technical evaluation following the first round of discussions; and (3) the final evaluation following the second round of discussions.

assessed a number of strengths for four proposed key personnel that the TET found exceeded PWS requirements or had experience specific to their proposed PWS tasks. See AR, Tab 30, 2d TET Rep., at 3-5.

The contracting officer reviewed the offerors' submissions and the evaluations, concurred with the TET's assessments, and determined that MDB's proposal provided the best value to the government. See AR, Tab 33, SSD, at 9. The Army awarded the contract to MDB and SYSKIN timely filed this protest following receipt of a written debriefing.

DISCUSSION

SYSKIN protests the evaluation of its proposal under the personnel qualifications factor, arguing that the Army's assessment of SYSKIN's proposed senior analyst and senior ORSA was inconsistent with the solicitation's evaluation criteria and personnel requirements.⁶ The protester contends that it would have received the contract award, but for the alleged evaluation errors. Protest at 9. Although we do not address each of SYSKIN's arguments, we have considered all of the protester's contentions and find that none provide a basis to sustain the protest.⁷

Senior Analyst

The RFP required that senior analysts have a minimum of 8 years of force development (FD) experience at senior levels of the Army (such as Headquarters, Department of the Army (HQDA), major commands, or component commands), and defined FD experience as "experience in translating Army materiel requirements into programs synchronized across the DOTML-PF⁸ domains in a fiscally constrained environment." See PWS §§ 2.3.3, 2.3.12. Senior analysts were also required to have a bachelor's or master's degree in business or public administration, management, economics, math, science, engineering, history, or English. Id. § 2.3.3. As discussed below, the PWS provided that education "may" be substituted for "some" FD experience. See id.

⁶ SYSKIN does not protest the evaluations under any of the other evaluation factors or the evaluation of MDB's proposal.

⁷ For example, we decline to address the protester's assertion that the agency report "contradicts" the debriefing SYSKIN was provided by the Army (see Comments at 8-11), because the adequacy of the debriefing is a procedural matter that does not involve the validity of the contract award. The Ideal Sol., LLC, B-298300, July 10, 2006, 2006 CPD ¶ 101 at 3 n.2; see, e.g., DGC Int'l, B-410364.3, Apr. 22, 2015, 2015 CPD ¶ 136 at 5 (dismissing protester's arguments that the evaluation as explained in the agency report was inconsistent with the information provided during the debriefing, since our Office is primarily concerned with the evaluation itself, not the debriefing).

⁸ That is, doctrine, organization, training, materiel, leadership, education, personnel, and facilities (DOTML-PF). PWS § 2.3.2.

§§ 2.3.13-.14. The PWS also provided that for “the purposes of personnel qualification,” the Force Development Directorate “requires an interdisciplinary skill set” of planning, programming, budgeting, and execution (PPBE), and Department of Defense (DOD) acquisition processes and procedures, “as well as expertise with materiel and/or force structure requirements development and validation (JCIDS).”⁹ Id. § 2.3.2. The RFP stated that senior analysts would be evaluated based on their experience and demonstrated expertise using FD skills, and that FD credit would be assessed in terms of relevance to the candidate’s proposed PWS billet and level of responsibility.¹⁰ RFP at 91.

With respect to SYSKIN, its senior analyst was credited with 61 months of FD experience, including 12 months of equivalent experience for the candidate’s master’s degree and 49 months for two of the 10 positions or assignments listed on the individual’s resume. AR, Tab 32, Final TET Rep., at 1. However, the agency found that the eight other prior positions/assignments identified on the candidate’s resume did not provide adequate experience in JCIDS, PPBE, and DOD acquisitions.¹¹ Id.

For example, the TET found (and advised SYKIN during discussions) that the candidate’s position as a defense consultant performing operational support duties, as well as a number of assignments at a joint U.S. command, did not include JCIDS, PPBE, or DOD acquisition experience.¹² Id.; AR, Tab 29, 1st EN, at 2; Tab 31, 2d EN,

⁹ JCIDS stands for Joint Capabilities Integration and Development System. PWS § 1.1.1.

¹⁰ The RFP also included the following “prioritized list of desired experience and expertise” for senior analysts: (1) individuals on the central selection list of HQDA; (2) PPBE experience, including resource management or programming experience at the Army command level or higher; (3) Army materiel requirement and/or combat developer experience; (4) Army acquisition experience; and (5) any Army Functional Area 50 (force management and force development) experience. See RFP at 91.

¹¹ We note that while the agency did not assess credit for eight of the candidate’s previous positions/assignments, the protester does not challenge the findings with respect to two of them, and abandoned its challenge to a third one. Compare Protest at 2-5, with Comments at 11-19.

¹² We describe the candidate’s prior positions and assignments generally, and omit the number of months served at each, to avoid disclosing SYSKIN’s proposal information or information that might reveal the individual’s identity. We also note that the protester was not represented by counsel who could obtain access to non-public information (such as an unredacted version of the SSD) pursuant to the terms of a protective order. Accordingly, our discussion of some aspects of the procurement record is necessarily general in nature in order to avoid reference to non-public information. Our conclusions, however, are based on our review of the entire record, including the non-public information.

at 1; see Tab 27, SYSKIN FRP, at A-36-38 (senior analyst's resume). Similarly, the TET found that the candidate's various positions as a mentor, trainer, or advisor to foreign militaries, or the candidate's experience as a "technical advisor . . . responsible for implementation of Personnel and Training," also did not include experience with JCIDS, PPBE, and DOD acquisitions. AR, Tab 32, Final TET Rep., at 2; Tab 27, SYSKIN FRP, at A-38. The TET noted that the resume stated the following (for two positions/assignments): "[a]ppplied the principles of DOTML-PF to determine capability shortfalls and materiel solutions required to fill the capabilities gaps and inform the acquisition strategy." AR, Tab 32, Final TET Rep., at 2; see Tab 27, SYSKIN FRP, at A-36-37. However, the evaluators found that this statement did not evidence "the interdisciplinary skill set required in PPBE, DOD acquisition processes and procedures and JCIDS." AR, Tab 32, Final TET Rep., at 1. The Army concluded that, with the exception of two prior positions/assignments, the resume of SYSKIN's proposed senior analyst did not provide or indicate any other experience or expertise in FD or FD-related JCIDS, PPBE, or DOD acquisitions. Id.

SYSKIN disputes these findings and argues that "the full range of Force Development requirements [was] not considered in the evaluation." Comments at 2. The protester asserts that its senior analyst's "education and experience is indicated in the [PWS's] requirements and [the solicitation's] evaluation criteria as one of the Government's most sought after set of training and experience qualifications." Id. at 12; see supra n.10; infra n.17. SYSKIN also claims that during "the Evaluation Notice process[,] extreme focus was placed on PPBE and DOTML-PF."¹³ Comments at 11. Moreover, the protester maintains that the agency assessed credit for educational achievement unequally between SYSKIN's proposed senior analyst and senior ORSA, reflecting "a gross misapplication of the [RFP's] stated standards." See id. at 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, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. See Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6. A protester's disagreement with the agency's evaluation, without more, is not sufficient to render the evaluation unreasonable. Glacier Tech. Solutions, LLC, B-412990.3, Mar. 15, 2017, 2017 CPD ¶ 91 at 7.

Based on our review of the record, we find the Army's evaluation of SYSKIN's proposed senior analyst unobjectionable. The record here reflects that, consistent with the RFP's evaluation provisions and the PWS's qualification requirements for senior analysts, the agency considered the candidate's prior positions/assignments with respect to: (1) the duties performed; (2) the candidate's FD experience in this respect, including the extent of FD-related experience in JCIDS, PPBE, or DOD acquisitions; (3) the amount of time spent at each assignment/position; (4) the particular military command; and (5) the

¹³ The protester does not substantively challenge the agency's conduct of discussions.

candidate's education.¹⁴ See AR, Tab 32, Final TET Rep., at 2; Tab 28, 1st TET Rep., at 2; Tab 30, 2d TET Rep., at 3. As the Army points out, it also gave SYSKIN multiple opportunities to revise its proposal and provide additional information relevant to the candidate's experience. COS/MOL at 20; see AR, Tab 29, 1st EN, at 1-3; Tab 31, 2d EN, at 1-2.

The protester's arguments to the contrary lack merit. For example, SYSKIN contends that the evaluation "demonstrates an error in the understanding of the . . . civilian equivalent functional area of Force Development" Comments at 12. However, as stated above, the PWS explicitly defined FD experience as experience with Army materiel requirements and required 8 years of experience at Army organizations. See PWS §§ 2.3.3, 2.3.12 (emphasis added). In this respect, SYSKIN provides no basis for us to question the agency's finding that the candidate's various positions as a mentor, trainer, or advisor to foreign militaries did not include FD experience. We therefore find unpersuasive the protester's assertion that "ALL of [the analyst's] assignments ARE Force Development assignments and hence qualifying experience according to the stated requirements and evaluation guidance." Comments at 11 (emphasis in original).

Similarly, SYSKIN contends that neither the TET nor the agency report "addresses the noted primary role in the ONS [operational needs statement] process" with respect to the candidate's previous position as a technical advisor responsible for implementation of personnel and training.¹⁵ See id. at 17 (emphasis added). However, neither the protester nor the candidate's resume indicates that this position involved Army materiel requirements, and nothing in the resume states or otherwise suggests that the position's "primary role" involved the ONS process.¹⁶ See id.; AR, Tab 27, SYSKIN FRP, at A-38.

¹⁴ The record indicates that the Army only evaluated key personnel's experience relative to their proposed PWS billet, where a candidate met the solicitation's minimum qualification requirements. See, e.g., AR, Tab 30, 2d TET Rep., at 3 (assessing strengths for two candidates with "direct functional level expertise and direct G8 FD specific experience tied directly to the PWS position"), at 4 (assessing strengths for two other candidates that exceeded the minimum requirements and had experience, respectively, with Army equipment modernization (PWS § 3.10.1.1) or cost-benefit analyses, modeling, and simulations (PWS §§ 3.10.5.3-.4)). In any event, SYSKIN does not contend that the Army improperly failed to evaluate the senior analyst's experience relative to the candidate's proposed billet. See generally Protest; Comments.

¹⁵ Among the various tasks required under the PWS, the contractor must provide analysis, reviews, and recommendations in support of validation, prioritization, and approval of ONS in support of current operations and the Army requirements. PWS § 3.4.1.2.

¹⁶ To be clear, we do not and did not reevaluate the protester's proposal. Rather, we compared the evaluators' assessments and the relevant solicitation provisions, with
(continued...)

To the extent that SYSKIN challenges the assessment of its analyst's education, the protester's arguments are based on a fundamental misreading of the solicitation, in particular, the following PWS provision:

Some Force Development experience and skills may be obtained through attendance at Army schools such as the War College, Command and General Staff College, Armed Forces Management School, and other career courses whose curriculums include instruction in PPBE, materiel requirements and or the development and validation of force structure documents. At the discretion of the government, non-Army Force Development experience may be obtained by applying force development skill sets in other military services and schools, and on the Joint Staff, and joint commands.

PWS § 2.3.14 (emphasis added). The PWS also provided that a "master's degree may be applied to the force development requirement and counted as one year of force development related experience." PWS § 2.3.13 (emphasis added).

These provisions, by their plain language, contradict the protester's assertion that "[n]othing in the solicitation . . . indicated that it was at the discretion of the evaluation team to pick and choose" which educational achievements would count towards FD experience. See Comments at 7. Rather, we agree with the Army that such provisions did not oblige the TET to credit a candidate's educational achievements as FD experience. See COS/MOL at 24. In our view, the terms "some" and "may" in the provisions quoted above are properly construed as granting the agency discretion to substitute education for FD experience. Moreover, the protester conflates the RFP's experience and educational provisions. For example, the solicitation did not provide a "prioritized list . . . for both experience and expertise (education)," as SYSKIN insists. Comments at 5 (emphasis added). First, the RFP does not equate expertise with education; the solicitation identifies expertise and education as separate qualifications for senior analysts. RFP at 91. Second, unlike the "prioritized list of desired experience and expertise" (see supra n. 10), the RFP does not expressly prioritize its list of "schools and/or courses" for senior analysts. RFP at 91 (emphasis added).¹⁷

(...continued)

SYSKIN's allegations, including all passages and excerpts from the resumes of the challenged personnel cited by the protester. See, e.g., Comments at 15-19.

¹⁷ The RFP stated that the Army sought senior analyst "candidates who have successfully completed the following schools and/or courses": (1) Army War College; (2) Army Command and Staff College/ILE (intermediate level education); (3) Army Force Management School; (4) acquisition training; (5) master's degrees in business, economics, finance, engineering, math and related disciplines; ORSA, and Military Arts and Strategy; and (6) Joint schools with comparative curriculum and selection procedures, such as the Industrial College of the Armed Forces, Navy War College, and Air Force Command and Staff College. RFP at 91.

We also find no merit to the protester's arguments that the Army assessed credit for educational achievement unequally between SYSKIN's proposed senior analyst and senior ORSA. Comments at 1, 4-8. The record clearly shows that the agency assessed 12 months of credit to both candidates for their master's degrees. AR, Tab 32, Final TET Rep., at 1-2. Regardless, the RFP stated different educational disciplines and preferences for senior analysts and ORSAs. Compare RFP at 91, and PWS § 2.3.3, with RFP at 92, and PWS § 2.3.4 (requiring that senior analysts have a bachelor's or master's degree in business or public administration, management, economics, math, science, engineering, history, or English, but that ORSAs have a bachelor's degree in operations research, applied mathematics, statistics, engineering (systems or industrial), or computer science).

Finally, because we find the Army reasonably assessed a deficiency with respect to SYSKIN's proposed senior analyst, we need not address the protester's challenges to the evaluation of its senior ORSA.¹⁸ As noted above, the RFP provided that a proposal assessed one or more deficiencies would be found unacceptable and unawardable. RFP at 93. Thus, even if the protester were correct that the Army improperly evaluated SYSKIN's proposed senior ORSA, the protester could not show that it was competitively prejudiced in this respect, since its proposal would remain unawardable under the terms of the solicitation because the agency reasonably assessed a deficiency with respect to SYSKIN's proposed senior analyst.¹⁹ For this same reason, we have no basis to question the Army's decision to award the contract to MDB.

In sum, while SYSKIN's protest reflects its disagreement with the Army's evaluation and source selection decision, this alone, without more, provides no basis to question the reasonableness of the agency's judgments. See Citywide Managing Servs. of Port Washington, Inc., B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 10-11; see, e.g., Allied Tech. Grp., Inc., B-412434, B-412434.2, Feb. 10, 2016, 2016 CPD ¶ 74 at 12-14 (denying protest where the agency evaluated the protester's and awardee's proposed key personnel reasonably and in accordance with the RFP's requirements).

The protest is denied.

Thomas H. Armstrong
General Counsel

¹⁸ In any event, we reviewed the Army's evaluation of SYSKIN's proposed senior ORSA and find the evaluation reasonable.

¹⁹ Competitive prejudice is an essential element of a viable protest; where the protester fails to demonstrate that, but for the agency's actions, it would have had a substantial chance of receiving the award, there is no basis for finding prejudice. See Special Servs., B-402613.2, B-402613.3, July 21, 2010, 2010 CPD ¶ 169 at 4.