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## Decision

**Matter of:** General Dynamics Information Technology, Inc.

**File:** B-416552

**Date:** October 12, 2018

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Michael D. McGill, Esq., Christine Reynolds, Esq., and Thomas A. Pettit, Esq., Hogan Lovells US LLP, for the protester.  
Jeffery D. Pedersen, Esq., and Wade L. Brown, Esq., Department of the Army, for the agency.  
Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Agency reasonably excluded protester's proposal from the competitive range where the agency evaluated the proposal as containing multiple weaknesses and significant weaknesses under the most important evaluation factor.

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### DECISION

General Dynamics Information Technology, Inc. (GDIT), of Westwood, Massachusetts, protests the Department of the Army's exclusion of GDIT's proposal from the competitive range pursuant to request for proposals (RFP) No. W900KK-17-R-0014 to provide training and related support services for the Army Intelligence Center of Excellence (ICoE) at Fort Huachuca, Arizona.<sup>1</sup> Among other things, GDIT asserts that the agency improperly identified multiple weaknesses and significant weaknesses in GDIT's proposal.

We deny the protest.

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<sup>1</sup> The solicitation states that the ICoE is "[t]he Army's premier intelligence training institution . . . [and] provides the education and training support of US Army, foreign military, other services, and civilian personnel for intelligence-related military occupation specialties." Agency Report (AR), Tab 1A, Performance Work Statement, at 3.

## BACKGROUND

In August 2017, the agency issued RFP No. W900KK-17-R-0014, seeking proposals for an indefinite-delivery, indefinite-quantity (IDIQ) contract to provide services in the areas of training, training development, and training support for the ICoE and its organizational elements located primarily at Fort Huachuca, Arizona.<sup>2</sup> The solicitation provided that award would be made on a best-value tradeoff basis, and established the following evaluation factors: program management, small business participation, past performance, and cost/price. The solicitation provided that the non-cost/price factors were significantly more important than cost/price, and that the program management factor was “significantly more important than the other non-cost/price factors combined.” AR, Tab 2, RFP at 81. The solicitation further provided that, in evaluating the program management factor, the agency would assign ratings of outstanding, good, acceptable, marginal, or unacceptable<sup>3</sup>--and stated that, to be considered for award, a proposal “must achieve a rating of ACCEPTABLE (or better)” under this most important factor.<sup>4</sup> Id. at 81. Finally, the solicitation advised offerors that the agency intended to make award without discussions, but also provided notice that the agency retained the discretion to establish a competitive range and to, thereafter, conduct discussions. Id.

On or before the closing date, proposals were submitted by several offerors, including GDIT. In its evaluation under the program management factor, the agency assessed multiple weaknesses and significant weaknesses in GDIT’s proposal.<sup>5</sup> Among other things, the agency concluded that GDIT’s proposal was flawed with regard to its staffing structure and key personnel; its task order modification procedures; its approach to the solicitation’s program flexibility requirements; its approach to the solicitation’s other-than-normal working hours requirements; and its transition plan. AR, Tab 3, Source Selection Evaluation Board (SSEB) Report, at 15-33. Accordingly, with regard to the program management factor--which the solicitation stated was significantly more important than all of the other non-cost/price factors combined--the agency concluded

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<sup>2</sup> The procurement is referred to as the Huachuca Training and Support Contract (HTASC).

<sup>3</sup> Of relevance to this protest, the solicitation defined an acceptable rating as “[p]roposal meets requirements and indicates an adequate approach and understanding of the requirements,” and defined a marginal rating as “[p]roposal has not demonstrated an adequate approach and understanding of the requirements.” AR, Tab 2, RFP at 82.

<sup>4</sup> The solicitation initially provided that proposals must similarly receive a rating of acceptable or better under the small business participation factor to be considered for award. That provision was subsequently deleted.

<sup>5</sup> The solicitation defined a weakness as “[a] flaw in the proposal that increases the risk of unsuccessful contract performance,” and defined a significant weakness as “[a] flaw in the proposal that appreciably increases the risk of unsuccessful contract performance.” RFP at 82.

that GDIT's proposal "has not demonstrated an adequate approach and understanding of the requirements, and risk of unsuccessful performance is high." Id. at 15. Accordingly, the agency assigned a rating of marginal to GDIT's proposal and excluded the proposal from the competitive range.<sup>6</sup> GDIT was subsequently notified of its exclusion from the competitive range. This protest followed.

## DISCUSSION

GDIT challenges various aspects of the agency's evaluation and source selection process, including the agency's evaluation of GDIT's proposal under the most important program management evaluation factor which, as described by GDIT, "drove the decision" to exclude GDIT from the competitive range. Protest at 14. In this regard, GDIT asserts that "none of the weaknesses assigned to GDIT's proposal [under the program management factor] are defensible," and maintains that GDIT should have received "at least a Good rating under the critical Program Management factor." Protest at 14. We disagree.

The evaluation of offerors' proposals, and the determination of whether proposals are in the competitive range, are matters within the contracting agency's broad discretion and sound judgment, since the agency is responsible for defining its needs and the best method of accommodating them. See, e.g., Highmark Medicare Servs., Inc., et al., B-401062.5 et al., Oct. 29, 2010, 2010 CPD ¶ 285 at 12; Dismas Charities, Inc., B-284654, May 22, 2000, 2000 CPD ¶ 84 at 3-4. In this regard, an agency may properly exclude a proposal from the competitive range where it determines the proposal has no realistic prospect for award. See, e.g., Environmental Restoration, LLC, B-413781, Dec. 30, 2016, 2017 CPD ¶ 15 at 3. Accordingly, in reviewing protests that challenge an agency's evaluation of offerors' proposals or its competitive range determination, our Office will not reevaluate proposals; rather, we will review the record to determine if the agency's exercise of its discretion was reasonable, adequately documented, and consistent with the terms of the solicitation and applicable statutes and regulations. See, e.g., Alutiq Tech. Servs. LLC, B-411464, B-411464.2, Aug. 4, 2015, 2015 CPD ¶ 268 at 4.

Here, based on our review of the record, we find no basis to question the agency's evaluation of GDIT's proposal or its determination to exclude GDIT's proposal from the competitive range. First, the record reasonably supports the agency's assessment of

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<sup>6</sup> At this time, the agency also viewed GDIT's proposal as unacceptable under a less important evaluation factor, small business participation. Subsequently, the agency reconsidered the solicitation provisions regarding this factor; reevaluated GDIT's proposal, assigning it a small business participation rating of good; and made a new competitive range determination--which again excluded GDIT's proposal from consideration due to the multiple weaknesses and significant weaknesses in its proposal under the most important evaluation factor, program management. AR, Tab 9, SSEB Report Addendum; Tab 10, Competitive Range Addendum.

multiple weaknesses and significant weaknesses in GDIT's proposal. Next, based on that assessment, the agency reasonably concluded that GDIT's proposal did not have a realistic chance of award.

For example, in evaluating GDIT's proposal under the program management factor, the agency concluded that the proposal contained conflicting and inconsistent information regarding its proposed management structure. More specifically, contrary to the solicitation requirement that an offeror must "clearly convey" its capability to provide program management and associated administrative support, see RFP at 74, the agency found that GDIT's proposal reflected differing numbers of key personnel and program management staff in different parts of its proposal. AR, Tab 3, SSEB Report at 27-28 ("[GDIT] proposes and/or identifies either [redacted], [redacted], or [redacted] Key Personnel assigned to PM [program management] support."). The agency further noted that GDIT's proposal "assigns the same tasks and responsibilities to several different positions," noting that, for example, the responsibility of [redacted] was assigned to [redacted], [redacted], and [redacted], leaving confusion as to whom the agency should be communicating with to resolve [redacted] issues. Id. at 27-28. Similarly, the agency found that GDIT's proposal assigned the responsibility to [redacted] and [redacted] to [redacted] as well as to [redacted], again leaving unresolved with whom the agency should be communicating to resolve [redacted] issues. Id.

By way of another example, the agency concluded that GDIT's proposal contemplated that some of the personnel assigned as direct labor to perform the requirements of subsequently-issued task orders would also be performing project management duties--which was contrary to the solicitation's requirements.<sup>7</sup> Id. at 19. The agency noted that "diversion of personnel from [task order] requirements to provide PM [project management] support adversely impacts the efficiency and availability of personnel assigned to the [task orders]" and "increas[es the] costs associated with PM support." Id.

Finally, by way of yet another example, the agency criticized GDIT's proposal with regard to meeting the solicitation's task order modification requirements, which stated that offerors were to provide "detailed TO [task order]/modification procedures." AR, Tab 11, Statement of Objectives, at 2. The agency noted that GDIT's proposal reflected a proposed [redacted] "turnaround time," yet, GDIT's proposal contained "no details regarding communication/procedures to working . . . with the Government[,] nor did the proposal objectively demonstrate the feasibility of meeting [its proposed turnaround time]." AR, Tab 3, SSEB Report at 20.

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<sup>7</sup> The solicitation provided that program management costs were to be incurred under a line item that was separate from the direct costs that will be incurred in performing subsequently-issued task orders. See RFP at 86.

Based on our review of GDIT's proposal, and the agency's evaluation thereof, we find nothing unreasonable in the agency's assessment of multiple weaknesses and significant weaknesses in GDIT's proposal. For example, although GDIT asserts that the agency "erroneous[ly]" concluded that GDIT had proposed task order personnel to perform program management activities, Protest at 15, GDIT's proposal specifically listed such personnel in a chart titled "Program Management Organization", and the proposal's narrative description of that chart was labeled "GDIT's PMO [program management organization] Structure." AR, Tab 12a, GDIT Proposal Vol. II, at 13, 51. Similarly, although GDIT asserts that its approach which "divid[ed] [redacted] areas of responsibility [redacted], see Protest at 26, should have been viewed by the agency as creating only a "minor inconvenience" due to necessitating communications with multiple points of contact, GDIT's disagreement with the agency's judgement in this regard does not render the agency's assessments "erroneous."

Here, the solicitation specifically provided that an offeror was required to clearly convey its ability to provide program management "with minimal risk" while meeting the solicitation's objectives with "cost/schedule/performance effectiveness." RFP at 74. Further, offerors were warned that the agency was not obligated to conduct discussions and, accordingly, advised that their initial proposals should contain their best terms from a cost/price and technical standpoint. Id. at 81.

Finally, as noted above, the solicitation specifically advised offerors that the program management factor was significantly more important than all of the other non-cost/price factors combined and that, to be considered for award, an offeror must be rated acceptable or better under that most important factor. Id. Based on our review of the record, the agency reasonably concluded that GDIT's initial proposal failed to meet the stated criteria, leading to the agency's determination that the proposal did not have a realistic chance of award.

In summary, the record establishes that the agency reasonably determined that GDIT's proposal failed to comply with various solicitation requirements; that its program management approach reflected a proposed staffing approach in which the performance of subsequently-issued task orders was improperly intermingled with program management activities; that its proposed approach created confusion with regard to the agency's points of contact during contract performance; and that the proposal failed to include adequate detail regarding the feasibility of certain proposed objectives. On this basis, the agency reasonably concluded that GDIT's initial proposal did not demonstrate an adequate approach to, or understanding of, the program management requirements; that the risk of unsuccessful performance was high; and that the proposal did not have a realistic chance of award. Our review of the record provides no basis to question any of the agency's determinations in this regard and,

accordingly, we find no basis to question the agency's determination that GDIT's proposal did not warrant further consideration.

The protest is denied.<sup>8</sup>

Thomas A. Armstrong  
General Counsel

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<sup>8</sup> GDIT also complains about other aspects of the agency's source selection process, including the assertion that the agency "altered" GDIT's proposal because information in the agency's SSEB Report was not identical to information in GDIT's proposal. Protest at 14. In response, the agency states that, in creating the SSEB report, the agency copied portions of GDIT's proposal and that, in this process, a limited portion of a table in GDIT's proposal was omitted from the SSEB report. Compare AR, Tab 12(a), GDIT Proposal, at 39 with AR, Tab 3, SSEB Report, at 26, 31. Nothing in the record reasonably suggests that the agency's evaluation of GDIT's proposal was based on an "altered" version of that proposal. Similarly, neither GDIT's complaints regarding the agency's reevaluation of GDIT's proposal under the small business participation factor (leading to a final rating of good), nor the agency's amendment of the solicitation regarding the small business requirements, constitutes a basis to sustain the protest. As discussed above, the agency reasonably determined that GDIT's proposal contained multiple weaknesses and significant weaknesses under the program management factor--which the solicitation identified as significantly more important than all of the other non-cost/price factors combined--and, based on that evaluation, the agency reasonably concluded that GDIT's proposal did not have a realistic chance of award. In this context, GDIT's various complaints regarding other aspects of the agency's procurement process did not reasonably have an effect on GDIT's proposal with regard to the program management requirements and, accordingly, they do not constitute valid bases for protest. In short, we have reviewed all of GDIT's various complaints and find no basis to sustain its protest.