



Decision

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Matter of: Sigmatech, Inc.

File: B-417589; B-417589.2; B-417589.3

Date: August 27, 2019

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Heather Weiner, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that agency improperly failed to amend the solicitation to reflect the agency's true needs at the time of award is denied where the agency states that it will not use the current task order for the new work tasked to the agency after receipt of proposals, and there is no indication in the record that this new work, which the protester acknowledges is separate from that being solicited under the solicitation, caused a material change to any of the requirements in the solicitation.
 2. Protest challenging agency's evaluation of proposals and source selection decision is denied where the record shows that the agency's evaluation and selection decision were reasonable and consistent with the terms of the solicitation.
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DECISION

Sigmatech, Inc., of Huntsville, Alabama, protests the issuance of a task order to COLSA Corporation, also of Huntsville, Alabama, pursuant to task order requirement package (TORP) No. 18-009, issued by the Department of the Army, Army Materiel Command, to provide support services to the Missile Defense and Space Systems (MDSS) project office (PO). Sigmatech, the incumbent contractor for the services at issue, argues that the Army improperly failed to amend the solicitation to reflect the agency's true needs at the time of award. The protester also contends that the agency erred in its evaluation of proposals and best-value tradeoff decision.

We deny the protest.

BACKGROUND

On December 12, 2018, the Army issued the TORP to vendors holding General Services Administration's (GSA) One Acquisition Solution for Integrated Services (OASIS) small business 5B multiple-award indefinite-delivery, indefinite-quantity (IDIQ) contracts, solicited under the system engineering and technical assistance support (SETAS) program. The procurement was conducted pursuant to Federal Acquisition Regulation (FAR) subpart 16.5. The solicitation contemplated the issuance of a cost-plus-fixed-fee, level-of-effort task order for a base period of 36 months, and two 1-year options. TORP at 3.

The TORP provided for award on a best-value tradeoff basis, considering cost and the following two non-cost evaluation factors, in descending order of importance: task execution and qualifications & experience. TORP at 15. In addition, the solicitation provided for evaluation of a third non-cost factor--organizational conflict of interest (OCI) identification/mitigation--on a go/no-go basis. Non-cost factors, when combined, were considered significantly more important than cost, although the solicitation advised that cost could become more important in the tradeoff analysis as the difference between the non-cost factors became closer. TORP at 15.

On January 22, 2019, the Army received timely proposals from four vendors, including Sigmatech and COLSA. Joint Contracting Officer Statement and Memorandum of Law (COS/MOL), at 3. Following the evaluation, Sigmatech's and COLSA's proposals were rated as follows:

	SIGMATECH	COLSA
Go/NoGo Criterion – OCI	Go	Go
Factor 1 – Task Execution	Good	Outstanding
Factor 2 – Qualifications/Experience	Good	Outstanding
Probable Cost	\$13,086,652	\$15,683,030

Agency Report (AR), Tab 8, Task Order Decision Document (TODD), at 26.

The contracting officer, who was also the source selection authority (SSA) for this procurement, found that COLSA's proposal was superior to Sigmatech's under both of the non-cost evaluation factors. With regard to the task execution factor, the SSA found that COLSA's proposal was assessed strengths that "broadly cover the engineering and technical, as well as logistics" performance work statement (PWS) critical performance requirements (CPR), as well as a strength for transition. Id. at 21. Although Sigmatech's proposal was also assessed strengths under this factor, the SSA concluded that those strengths did not "cover the breadth of CPR coverage as does COLSA's proposal." Id. With regard to the qualifications/experience factor, the SSA detailed the strengths assessed to each vendor under this factor, and concluded that COLSA was rated higher under this factor because its proposal demonstrated "broader corporate experience and team capability." Id. at 24.

Although the agency found that Signmatech's proposal provided a lower most probable cost, the contracting officer concluded that COLSA's proposal represented the best value to the agency because of the unique benefits offered, as noted in the vendor's assessed strengths. Id. The agency notified the vendors that COLSA was the task order awardee on April 29. COS/MOL at 7. Signmatech received a debriefing from the Army on May 15. Id. This protest followed.¹

DISCUSSION

Signmatech raises three primary arguments: (1) the solicitation does not accurately reflect the agency's needs; (2) the agency unreasonably and unequally evaluated Signmatech's and COLSA's proposals under the non-cost evaluation factors; and (3) the agency failed to conduct a reasonable best-value tradeoff analysis. For the reasons discussed below, we find no basis to sustain the protest.²

TORP Scope of Work

Signmatech first argues that the TORP did not accurately reflect the Army's needs at the time of award. Specifically, the protester asserts that between time of receipt of proposals and time of award, the MDSS PO was assigned to support a new initiative--the Long Range Hypersonic Weapon (LRHW) project office (PO). The protester contends that supporting the LRHW mission will require different types of contracted support work and different skill sets than the requirements in the TORP, thus significantly changing the scope of work under the solicitation. The protester therefore asserts that the Army was required to amend the solicitation to reflect agency's actual needs and accept revised proposals.

In response to the protest, the MDSS office project director acknowledges that, on or about March 22, 2019, after the solicitation closing date and receipt of proposals, the "MDSS PO was tasked to support the Hypersonic Weapon Program of Record (PoR) development with the [LRHW PO]," and therefore would receive a "future 'product line' under its portfolio of 'MDSS products'" AR, Tab 13, Declaration of MDSS PO Project Director (June 18, 2019), at 2. The project director explains, however, that the task order at issue here will not be used to support the new LRHW PO.³ Id. at 3. Instead,

¹ This protest is within our jurisdiction to hear protests of task orders valued in excess of \$10 million placed under civilian agency IDIQ contracts. 41 U.S.C. § 4106(f)(1)(B); Alliant Sols., LLC, B-415994, B-415994.2, May 14, 2018, 2018 CPD ¶ 173 at 4 n.8. The authority under which we exercise our task order jurisdiction is determined by the agency that awarded the underlying IDIQ task order contract, which in this instance is GSA. Wyle Labs., Inc., B-413989, Dec. 5, 2016, 2016 CPD ¶ 345 at 4.

² Signmatech also raises other collateral arguments. Although we do not address every issue, we have reviewed them all and find no basis to sustain the protest.

³ See also AR, Tab 12, Declaration of Director, Space, Missile Defense, and Special Programs Army Contracting Command – Redstone (June 18, 2019), at 2 ("[A]s the
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the agency explains that it is contemplating a new task order to support the LRHW PO, which the agency will issue under a separate GSA OASIS small business TORP, and which “Sigmatech can compete for in the near future.” Supplemental AR (SAR) at 6.

Generally, where an agency’s requirements materially change after a solicitation has been issued, it must issue an amendment to notify offerors of the changed requirements and afford them an opportunity to respond. FAR § 15.206(a); Murray-Benjamin Elec. Co., L.P., B-400255, Aug. 7, 2008, 2008 CPD ¶ 155 at 3. The object of this requirement is to avoid award decisions not based on the agency’s most current views of its minimum needs. Id.

Although the protester asserts that the scope of the task order has changed in light of the new LRHW PO, as noted above and in footnote 3, numerous agency officials have affirmatively stated that the protested task order will not be used to provide support for the LRHW PO. To the extent the protester asserts that the instant TORP no longer reflects the agency’s requirement because the instant TORP seeks a “unitary” contractor to provide support for all products under the MDSS PO, but the agency is now seeking two contractors for that work, the protest is without a basis.⁴ The record reflects that the agency is still seeking only one contractor to provide the support solicited in the instant TORP. SAR at 6. In this regard, the agency explains that the second contractor will be solicited under a new task order to provide separate support to the LRHW PO. Id. Moreover, Sigmatech acknowledges the different nature of the work in its protest where it notes that “[t]he differences in the type of work, skill sets, experience, and the like required to support a conceptual offensive weapon system that will travel at hypersonic speed is very different than that needed for a mature ground-based defensive weapon system,” and “[t]he TORP is abundantly clear that it is focused on sustainment of mature, fielded systems, and not on the very different work presented

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senior acquisition official overseeing [the protested task order] and its execution, I hereby certify and declare that [the protested task order] will not be used to support the MDSS PO Long Range Hypersonics Weapon product line.”); AR, Tab 11, Declaration of Contracting Officer (May 28, 2019), at 4 (“[A]s the cognizant Agency task order administrative contracting officer responsible for overseeing and managing the resulting task order (Task Order W9113M19F0041) and its execution, I hereby certify and declare that Task Order W9113M19F0041 will not be used to support the MDSS PO LRHW PO product line.”).

⁴ In addition, although Sigmatech disagrees with the Army’s decision not to bundle support for the LRHW PO with the support solicited under the instant TORP, an agency has the discretion to determine its needs and the best way to meet them. Signature Consulting Grp., LLC, B-416570, Oct. 18, 2018, 2018 CPD ¶ 375 at 5. Here, Sigmatech acknowledges that the work required to support the LRHW PO is significantly different than the work solicited under the TORP. Protest at 18-23. We therefore find nothing unreasonable regarding a decision to procure the LRHW PO support under a separate task order.

by the emerging LRHW mission.” Protest at 18-19. Accordingly, we have no basis to conclude that the scope of the task order will change, as the protester asserts.⁵

Technical Evaluation

Sigmattech raises a number of challenges to the agency’s evaluation of its and the awardee’s proposals under factor 1--task execution, and factor 2--qualifications and experience. Sigmattech alleges that the Army unreasonably failed to consider a number of strengths contained in its proposal and improperly grouped multiple strengths into single strengths. Additionally, Sigmattech alleges that the agency engaged in disparate treatment by crediting COLSA with strengths for attributes also contained in Sigmattech’s proposal. The protester further asserts that the agency improperly credited strengths to the awardee’s proposal based on a requirement not identified in the solicitation and based on information contained in a separate volume of the awardee’s proposal. As discussed below, we find the protester’s arguments to be without merit.

The evaluation of proposals in a task order competition, including the determination of the relative merits of proposals, is primarily a matter within the agency’s discretion. Sevatec, Inc., B-416617, B-416617.2, Nov. 1, 2018, 2018 CPD ¶ 379 at 6; Wyle Labs., Inc., B-407784, Feb. 19, 2013, 2013 CPD ¶ 63 at 6. In reviewing protests challenging an agency’s evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency, but rather examines the record to determine whether the agency’s judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. Trandes Corp., B-411742 et al., Oct. 13, 2015, 2015 CPD ¶ 317 at 6. While we will not substitute our

⁵ The protester also asserts that the TORP did not reflect the Army’s actual needs with regard to the MDSS PO’s legacy products--the Joint Tactical Ground Station (JTAGS) system and Terminal High Altitude Area Defense (THAAD)/Army-Navy Transportable Radar Surveillance (AN/TPY-2) (also referred to as “T2” systems). Protester’s Supp. Comments at 6. Specifically, Sigmattech maintains that “faced with an urgent need regarding the Army’s highest priority weapon system, the LRHW, the [agency] will materially reduce its JTAGS and T2SMO [THAAD & AN/TPY2 Sustainment Management Office] support efforts, and re-direct scarce budget and resources to its highest priority.” Id. While the agency acknowledges that it has been tasked with a new requirement to support the LRHW PO and that this requirement will be a priority for the agency, the protester has provided no evidence to support its assertion that the new requirement will result in a significant reduction in the work solicited by the Army in the TORP for the legacy products. To the contrary, as the agency explains, there is nothing that indicates that “there had been a change to the scope of the requirement contemplated by the protested contract prior to the date of award and, most importantly, not at any time since the date of award.” Agency Supp. Filing, Aug. 5, 2019, at 2. The protester’s allegations in this regard amount to speculation and therefore do not constitute a valid basis of protest. 4 C.F.R. § 21.1(c)(4); Harris Corp., B-409148.3, B-409148.4, July 30, 2014, 2014 CPD ¶ 225 at 4.

judgment for that of the agency, we will question the agency's conclusions where they are inconsistent with the solicitation criteria and applicable procurement statutes and regulations, undocumented, or not reasonably based. MicroTechnologies, LLC, B-413091, B-413091.2, Aug. 11, 2016, 2016 CPD ¶ 219 at 4-5. A vendor's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. STG, Inc., B-405101.3 et al., Jan. 12, 2012, 2012 CPD ¶ 48 at 7.

Factor 1 – Task Execution

Sigmattech challenges the Army's evaluation of its proposal as warranting a rating of good under the task execution factor. Specifically, the protester contends that the agency undercounted Sigmattech's strengths by improperly blending multiple strengths into each assessed strength, to Sigmattech's disadvantage. The protester also asserts that Sigmattech's proposal should have received at least three additional strengths under this factor because it offered the same advantages for which COLSA's proposal received strengths. Sigmattech contends that, but for these errors, its proposal would have warranted a higher adjectival rating for the factor.

An agency's judgment that the features identified in the protest did not significantly exceed the requirements of the RFP, and thus did not warrant the assessment of unique strengths, is a matter within the agency's discretion and one that we will not disturb where the protester has failed to demonstrate that the evaluation was unreasonable. Protection Strategies, Inc., B-416635, Nov. 1, 2018, 2019 CPD ¶ 33 at 8 n.4; Metropolitan Life Ins. Co., B-412717, B-412717.2, May 13, 2016, 2016 CPD ¶ 132 at 13.

The protester first alleges that the agency improperly undercounted the number of strengths in its proposal under the task execution factor; according to the protester, each strength identified by the evaluators contained multiple contributing benefits to the government that should have been credited as multiple strengths. The agency explains that in each instance in which Sigmattech was assessed a strength, the evaluators cited to experience from the vendor's proposal, which supported the conclusion that the proposed approach was proven. The proven approach, which provided the underlying basis for the agency's finding of a strength, however, did not support a finding of multiple strengths. As the following representative example demonstrates, we find the Army's evaluation to be reasonable.⁶

Sigmattech argues that it should have received more than one strength for its proposed approach to modeling and simulation. As relevant here, the TORP required vendors to

⁶ Sigmattech raises materially similar arguments with respect to its other assessed strengths under the task execution factor. See, e.g., Protest at 25-30. Although we do not discuss those arguments, we have carefully reviewed Sigmattech's arguments and find that they do not provide a basis upon which to sustain the protest.

provide a narrative describing their technical approach for executing critical performance requirements of the PWS, including that the vendor shall assist in the modeling and simulation validation, verification, accreditation process, and provide technical support for the development, modification, evaluation and documentation of threat scenarios. TORP at 9.

In assessing a strength to Sigmatech's proposal, the proposal evaluation team (PET) stated the following:

Team Sigmatech's proposed technical approach is to leverage its engineers and analysts to evaluate original equipment manufacturer developed modeling and simulation products to validate that they meet performance and accreditation requirements. Team Sigmatech also proposes to use its vast experience with various models and simulations used by JTACS to develop threat scenario drivers for the OLGA SIM [Simulator], MDSE [Missile Defense System Exerciser] and SSF [Single Simulation Framework] software tools. For example, Team Sigmatech discovered issues with the indigenous Air Force designed scenario drivers and developed an update that subsequently resulted in an error-free threat scenario. Team Sigmatech's proposed technical approach, as well as its understanding and application of specific modeling and simulation tools, to include the ability to develop, modify, and evaluate JTACS specific threat scenarios, is advantageous to the Government because it reduces the risk of simulation performance and the application of these simulation results to operational JTACS systems.

AR, Tab 7, Sigmatech Tech. Eval., at 2.

The protester maintains that the evaluators' discussion demonstrates that Sigmatech proposed both to validate the existing products and to develop new threat scenarios based on its experience, which the protester asserts, should automatically entitle it to receive multiple strengths pertaining to this section. Protest at 27; Protester Comments at 12.

The agency responds that the multiple comments regarding Sigmatech's proposal reflect several aspects of Sigmatech's response, which contributed to the evaluators' overall rating of a strength. The agency explains that the second sentence from the above quoted portion of the evaluation--which the protester maintains should be a distinct strength--was simply "experience cited from Sigmatech's proposal" that was noted by the evaluators as "support[ing] or provid[ing] evidence that the proposed technical approach is a proven approach." COS/MOL at 17-18.

On this record, we find no basis to question the reasonableness of the agency's evaluation. As noted above, the Army assessed a strength to Sigmatech's proposal under the task execution factor for its proposed approach to leverage its engineers and analysts to evaluate original equipment manufacturer developed modeling and simulation products to validate that they meet performance and accreditation

requirements with regard to modeling and simulation. AR, Tab 7, Sigmatech Tech. Eval., at 2. The evaluators then pointed to aspects of Sigmatech's approach--such as Sigmatech's "vast experience with various models and simulations" as support for the strength. Id. Ultimately, the evaluators concluded that it was Sigmatech's proposed approach coupled with its "understanding and application of specific modeling and simulation tools" that was advantageous to the government such that Sigmatech merited a strength. Id.

Although the protester asserts that the aspects noted by the agency should be assessed as separate strengths, the protester has not demonstrated that the aspects discussed provide an additional benefit to the agency or otherwise independently met the TORP's standard for a strength, *i.e.*, a feature that has merit or exceeds specified performance or capability requirements in a manner that will be advantageous to the government during contract performance. TORP at 19. The protester's disagreement with the evaluation, without more, is insufficient to establish that the evaluation was unreasonable or otherwise improper. STG, Inc., supra, at 7.

Next, Sigmatech contends that its proposal merited additional strengths under the task execution factor because the agency assessed the awardee's proposal with strengths for features that, the protester asserts, were equally evident in Sigmatech's proposal.

The agency responds that it reasonably evaluated the information in Sigmatech's proposal and concluded that these aspects of the protester's proposal did not exceed the requirements of the PWS such that they merited strengths. We address one representative example of the protester's arguments below, concerning integration and interoperability, and conclude that neither this example nor any of the remaining arguments has merit.

As addressed above, absent evidence that an agency's evaluation was unreasonable, we generally will not disturb an agency's exercise of its discretion with respect to its determination of whether a feature of an offeror's proposal so exceeds the solicitation's requirements as to warrant a unique strength. Protection Strategies, Inc., supra; Metropolitan Life Ins. Co., supra. Additionally, it is a fundamental principle of government procurement that competition must be conducted on an equal basis; that is, the contracting agency must treat all offerors equally, and even-handedly evaluate proposals and quotations against common requirements and evaluation criteria. Kingfisher Sys., Inc.; Blue Glacier Mgmt. Grp., Inc., B-417149 et al., Apr. 1, 2019, 2019 CPD ¶ 118 at 8. Where a protester alleges disparate treatment in a technical evaluation, it must show that the differences in ratings did not stem from differences between the offerors' proposals. INDUS Tech., Inc., B-411702 et al., Sept. 29, 2015, 2015 CPD ¶ 304 at 6.

As relevant here, the TORP required vendors to provide a narrative describing their technical approach for executing critical performance requirements of the PWS, including identifying problems, inconsistencies, and other issues impacting integration and interoperability, along with recommendations for their resolution. TORP at 9.

The evaluation record shows that the awardee's proposal received a strength in response to this requirement because it proposed an approach for systems engineering and integration support that "[DELETED]." AR, Tab 6, COLSA Tech. Eval., at 2. In support of this strength, the agency references several aspects of the awardee's proposed approach, including that the awardee "[DELETED]," such as "[DELETED]." Id. The evaluators concluded that the awardee's requirements and integration experience was "directly applicable to planned [DELETED]," and therefore, advantageous to the government because "it reduces the risks associated with JTACS program execution and the development of a suitable transition plan." Id.

The protester points to several excerpts from its proposal, which it asserts, demonstrated "equally relevant experience" to that noted in the awardee's strength above. See, e.g., AR, Tab 5A, Sigmatech Proposal, at 3 (both Terminal High Altitude Area Defense (THAAD) and Army/Navy Transportable Radar Surveillance (AN/TPY2) are discussed in the general Critical PWS Approach section). Sigmatech therefore maintains that it too should have been assessed a strength.

The agency responds that, unlike the awardee's proposal, Sigmatech's proposal does not provide detailed examples of how it has successfully used the approach, or demonstrate why the proposed approach is advantageous to the government. Supp. AR at 15-16. In addition, the agency explains that, unlike Sigmatech's proposal, which is "JTACS-centric," and "focused on legacy system sustainment," the awardee's proposal also "demonstrate[ed] in-depth knowledge and experience with [DELETED]." SAR at 16, 18; see also AR, Tab 17, Declaration of PET Lead (July 10, 2019), at 3 ("[T]he overall Sigmatech proposal was not strong in the area of missile systems/missile defense and instead legacy system-centric, whereas the [awardee's] proposal was more newer technology/system focused.").

We find no reason to question the reasonableness of the agency's conclusion that the awardee's substantially more detailed approach--focusing on emerging technologies--warranted a strength, while Sigmatech's less detailed approach--focusing on legacy system sustainment--did not. Although the protester identifies several places in its proposal where it mentioned THAAD or AN/TPY2, see, e.g., AR, Tab 5A, Sigmatech Tech. Proposal, at 3, 4-7, 10-18, Sigmatech has not demonstrated that its proposal provided detailed examples of how it successfully used the approach or showed how its approach would be advantageous to the government such that it merited a strength. In sum, we find nothing unreasonable regarding the agency's evaluation and therefore find no basis to sustain the protest.

Factor 2 – Qualifications and Experience

Sigmatech also challenges the Army's assignment of a rating of good, rather than outstanding, to its proposal under the qualifications and experience factor. The protester argues that the Army evaluated the protester's and awardee's proposals unequally in assessing strengths. Sigmatech asserts that the agency improperly assessed the awardee's proposal with several strengths that were not warranted. For the reasons discussed below, we find no merit to the protester's arguments.

Sigmattech complains that the Army disparately evaluated its qualifications and experience by assigning a strength to the awardee's proposal under this factor based on its experience with THAAD systems, while failing to similarly credit the protester for its experience supporting THAAD systems. Protester's Supp. Comments at 25. The Army responds that the awardee's strength was due to its robust team structure and specific and detailed experience with the MDA and Ballistic Missile Defense System (BMDS), and of importance, experience with the Congressionally mandated transfer of THAAD and AN/TPY-2 from MDA to the Army. SAR at 25. The agency contends that the evaluators positively assessed Sigmattech's corporate experience and qualifications, ultimately assigning several strengths and an overall good rating under the factor, but did not find that the THAAD experience in Sigmattech's proposal was sufficient to merit a strength. For the reasons that follow, we find no basis to conclude that the agency engaged in a disparate evaluation of proposals.

While Sigmattech generally argues that the Army undervalued its cited experience and qualifications, it has fundamentally failed to show how the agency's evaluation was disparate with respect to the awardee. In this regard, the awardee received a strength based on its team's "diverse experience" supporting MDA and BMDS, which the evaluators note was highlighted in Table 4-1-B of the awardee's proposal, entitled "The COLSA Team's Skillset and Experience." AR, Tab 6, COLSA Tech. Eval., at 5. This one-and-a-half page table includes detailed information regarding the experience of specific individuals from the COLSA team--including name, years of experience, education, positions served, relevant PWS experience, and benefit to the government. AR, Tab 4B, COLSA Proposal, Part 4, at 2-3. In this regard, [DELETED]. Id. COLSA's proposal also includes a table listing its team's recent and relevant contracts, along with narrative descriptions of the pertinent work performed under those contracts (including [DELETED]). Id. at 4-10.

Although Sigmattech points to several excerpts from its proposal, which allegedly shows its experience supporting THAAD and AN/TPY-2,⁷ it fails to demonstrate that its proposal included the level of detail and information provided by COLSA's proposal or that it included any discussion regarding the benefits to the agency. In sum, the protester has failed to demonstrate that the difference in ratings did not stem from differences between the offerors' proposals.⁸

⁷ For example, Sigmattech points to narrative information included for a "directly relevant contract" of one of its subcontractors, which states that the contractor personnel "are actively supporting a seamless transition of the THAAD and AN/TPY2 systems from the MDA to the U.S. Army by the MDSS PO." AR, Tab 5B, Sigmattech Proposal, Part 4, at 7.

⁸ The protester also asserts that the strength it received under this factor should have counted as two strengths. For the reasons articulated above regarding the evaluation of Sigmattech's proposal under the task execution factor, we disagree. The protester has not demonstrated that the aspects noted by the agency should be assessed as

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Sigmattech also argues that the agency improperly assessed COLSA's proposal with two strengths under the experience and qualifications factor. The protester asserts that the first strength, which was based on COLSA's overall corporate experience, was improper because the agency relied in part on information provided in the section of COLSA's proposal addressing task execution, rather than in the section addressing its qualifications/experience. The protester contends that the second strength was not warranted because it was assigned for COLSA's reach back capability, which the protester asserts, is an unstated evaluation criterion. As discussed below, neither argument provides a basis to sustain the protest.

With regard to the first argument, the protester asserts that it was improper for the agency to rely on information from the task execution section of COLSA's proposal in assessing a strength under the qualifications/experience factor because "the two [factors] are separate and distinct" and "[b]y muddling this distinction, the Agency acts contrary to the TORP's stated evaluation scheme." Protester's Comments at 29. We disagree.

The record reflects that the Army evaluated proposals under both the task execution factor and the experience/qualifications factor; contrary to the protester's assertion, the agency did not conflate the two distinct factors during its evaluation.⁹ Rather, the

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separate strengths, but rather, appears simply to disagree with the evaluation. We find the protester's argument in this regard provides no basis to sustain the protest.

⁹ In support of its position, the protester cites to Mission Essential Personnel, LLC, B-404218.2, B-404218.3, June 14, 2011, 2011 CPD ¶ 120 at 4, and asserts that "an agency conducts an evaluation scheme contrary to the RFP where it conflates two separate and distinct evaluation factors." Protester's Comments at 29. In Mission Essential, the protester argued that the agency did not evaluate vendors' quotations under the resumes factor as provided for by the terms of the solicitation. Id. The agency acknowledged that it did not evaluate the resumes as required by the solicitation's evaluation criteria, but instead evaluated them on a pass/fail basis. Id. The agency attempted to excuse its admitted error by suggesting that it effectively considered the qualifications of the vendors' key personnel under the management plan factor, which provided for consideration of the relevant experience of the proposed management team in relation to the statement of work. Id. In sustaining the protest, our Office found that "[t]he agency's analysis conflate[d] two evaluation factors that the RFQ established as separate and distinct from one another, and, in so doing, undermine[d] the significance of the resumes factor." Id. We concluded that "[b]y considering the resumes factor as subsumed under the management plan factor, rather than assigning it the separate adjectival rating and weight provided for in the [solicitation], the agency conducted its evaluation in a manner that was contrary to the evaluation scheme expressly established by the RFQ." Id. at 5. The instant case is unlike the evaluation in Mission Essential--where the agency evaluated resumes under the management plan factor, rather than the resumes factor, as required by the

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agency simply considered information regarding the awardee's experience that was included in the task execution section of the awardee's proposal in assessing a strength to the awardee under the qualifications/experience factor. The protester has not cited to, or demonstrated that, any portion of the TORP prohibited the agency from considering information from the task execution section of the proposal in evaluating the proposal under the qualifications/experience factor. In addition, as the agency asserts, in assessing the strength, it "also relied upon information" contained in the qualifications/experience section of the awardee's proposal, and in this regard, "[t]he information from the [task execution section] only reinforce[d] the [qualifications/experience] proposal information." SAR at 33. On this record, we find no basis to sustain the protest.

The protester also challenges a strength assigned to the awardee's proposal under the qualifications/experience factor for the awardee's reach back capability, arguing that the strength was based on an unstated evaluation criterion. In this regard, the awardee's proposal provided its reach back capabilities under the qualifications/experience factor as evidenced by the "skillset and experience" of nine personnel across team COLSA. AR, Tab 4B, COLSA Proposal, Part 4, at 1-3. The protester asserts that the agency's consideration of this information was improper because the TORP "did not contemplate [that] the individual experience and capabilities of [vendors'] personnel [would] be evaluated as part of the corporate experience criteria of [the qualifications/experience factor]." Protester's Supp. Comments at 28. Sigmatech maintains that, because vendors were not informed that this type of information would be evaluated under the qualifications/experience factor, Sigmatech was not provided an opportunity to propose similar information. The agency responds that evaluation of both reach back capability and the individual experience and capabilities of employees were appropriate under the terms of the TORP.

Based on our review, we find no evidence that the agency evaluated the awardee's proposal under this factor based on an unstated evaluation criterion. The protester's argument is based on the mistaken premise that the solicitation precluded the agency from considering the experience of COLSA's proposed team's personnel. As relevant here, the TORP generally provided that the agency would consider the corporate experience of "each team member," which the solicitation defined as "prime contractor and all subcontractors/team members." TORP at 17. The TORP did not include any further limitation regarding the consideration of a vendor's non-key personnel, or a provision establishing that the agency would separately consider the experience of

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solicitation--because as noted above, the agency in the instant case properly evaluated task execution and qualifications/experience under separate factors, as indicated by the TORP.

non-key personnel.¹⁰ While the protester advances a narrow reading of the term “team member” under the solicitation as limited to a corporate entity, this narrow reading is not warranted.

Where a solicitation provides for the evaluation of the experience of the “offeror” or “team member” and does not otherwise contain specific language to indicate that the agency would not consider the experience of an offeror’s proposed personnel, or separately consider such information, the general reference to the “offeror” affords the agency the discretion to consider the demonstrated experience of an offeror’s proposed personnel because such experience and past performance may be useful in predicting success in future contract performance. See Normandeau Assocs, Inc., B-417136, Feb. 6, 2019, 2019 CPD ¶ 76 at 4.

Here, the record reflects that the agency assessed a strength for the COLSA team’s reach back capability, explaining that it “proposes the use of a diverse and comprehensive reach back capability and expertise across a number of functional areas to include operational, acquisition, test, hardware, and software.” AR, Tab 6, COLSA Tech. Eval., at 5. The evaluators concluded that this was “a merit to [the awardee’s] proposal” because it will “increase the likelihood of program success and minimize program risks.” Id. Based on this record, the protester has shown no basis to question the agency’s evaluation under the qualifications/experience factor.

Best-Value Decision

Sigmattech also challenges the SSA’s best-value comparison which resulted in COLSA’s higher-rated, higher-cost proposal being selected for award. Sigmattech primarily complains that the SSA relied on a flawed evaluation and failed to adequately consider the protester’s specific advantages under the task execution and qualifications/experience factors. For the reasons that follow, we find that Sigmattech’s protest amounts to no more than disagreement with the SSA’s decision, and, thus, find no basis on which to sustain the protest.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and cost evaluation results; cost/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the evaluation criteria. Crowder Constr. Co., B-411928, Oct. 8, 2015, 2015 CPD ¶ 313 at 10. A protester’s disagreement with the agency’s determinations as to the relative merits of competing proposals, or disagreement with its judgment as to which proposal offers the best value to the agency, without more, does not establish that the source selection decision was unreasonable. Pacific-Gulf Marine, Inc., B-415375, B-415375.2, Jan. 2, 2018, 2018 CPD ¶ 124 at 7.

¹⁰ Although the TORP provided for the evaluation of key personnel qualifications as a separate subfactor, the personnel at issue here were not proposed as key personnel.

With regard to the task execution factor, COLSA's proposal was rated outstanding based on the assessment of five strengths, which the SSA explained "broadly cover the engineering and technical, as well as logistics" PWS CPR, as well as a strength for transition. AR, Tab 8, TODD, at 21. Sigmatech's proposal received a rating of good under the task execution factor based on the assessment of three strengths, all pertaining to the engineering and technical PWS CPR, and a strength for transition. Id. at 21. After comparing the strengths assessed for both vendors, the SSA concluded that COLSA's proposal was superior to Sigmatech's under the task execution factor because the strengths assessed to COLSA's proposal offer "broader PWS coverage" than the strengths assessed to Sigmatech. Id. For example, the SSA noted that COLSA proposed the use of [DELETED]. Id. In contrast, the SSA noted that Sigmatech proposed an in-depth understanding of the risk management process, its ability to leverage engineers and analysts to evaluate original equipment manufacturer developed modeling and simulation products, and a computer network defense strategy. Id. at 23.

With regard to the qualifications/experience factor, the SSA detailed the strengths assessed to each vendor under this factor, and concluded that COLSA was rated higher under this factor because its proposal demonstrated "broader corporate experience and team capability." Id. at 24.

The SSA, after reviewing the strengths assessed with respect to Sigmatech's and COLSA's proposals, recognized that COLSA was rated higher under the task execution factor because it received strengths across more of the critical PWS areas than Sigmatech. AR, Tab 8, TODD, at 24. The SSA concluded that COLSA was rated higher under the qualifications/experience factor because its proposal demonstrated "broader corporate experience and team capability." Id. The SSA ultimately determined that COLSA's advantages under the task execution and qualifications/experience factors represented a stronger overall technical proposal than Sigmatech's proposal, and that these advantages were worth COLSA's overall higher proposal cost. Id. at 24-25.

With respect to Sigmatech's complaint that the SSA improperly discounted its assessed strengths, this argument is, again, quintessentially a matter of disagreement with the SSA's business judgment. In this regard, we agree with the agency that the protester's arguments are largely a rehash of its arguments that its proposal warranted higher adjectival ratings and that the agency should have weighted the protester's evaluated strengths more heavily. As previously explained, these types of considerations are matters entrusted to the discretion of the agency, which our Office will not disturb absent evidence that the agency's evaluation was unreasonable or contrary to applicable procurement law and regulation.

Furthermore, the record reflects that the Army did not merely rely on the assigned adjectival ratings, but rather, thoroughly considered the relative merits of the proposals based on the underlying evaluation findings. In this regard, the record shows that the Army concluded that COLSA's proposal provided a proposed approach that was stronger across more PWS CPR than Sigmatech's and demonstrated "broader

corporate experience and team capability” than Sigmatech’s proposal. Based on the record presented, we find no basis to object to the SSA’s tradeoff decision.

The protest is denied.

Thomas H. Armstrong
General Counsel