



## Decision

**Matter of:** Centerra Integrated Facilities Services, LLC

**File:** B-417963

**Date:** December 17, 2019

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Daniel J. Strouse, Esq., and John J. O'Brien, Esq., Cordatis LLP, for the protester. Nicholas Bidwell, Esq., and Marianna Lvovsky, Esq., Department of Energy, for the agency.

Scott H. Riback, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest alleging that agency improperly released protester's proprietary information is denied where record shows that the information at issue is not proprietary in nature, and also that the release of the information could not have caused the protester competitive harm.

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### DECISION

Centerra Integrated Facilities Services, LLC, of Reston, Virginia, protests the terms of request for offers (RFO) No. 4600, issued by the Department of Energy, Bonneville Power Administration (BPA) for integrated facilities management services. Centerra argues that the agency improperly has published its proprietary information as part of the solicitation.

We deny the protest.

There are very few operative facts in this case. The RFO contemplates the award of a single contract to perform comprehensive facilities management services at all of the BPA's facilities located throughout the Pacific Northwest region of the United States. Centerra currently is an incumbent facilities management contractor for a portion of the agency's requirements at certain locations.

The record shows that, as part of the RFO, the agency included a chart that listed all of the facilities management personnel providing services to the agency at all locations throughout the BPA enterprise. Included in this list were some 32 individuals that are Centerra employees. The list contains details concerning these individuals, including

their names, position, basis of pay (Service Contract Act wage employees, collective bargaining agreement employees or salaried/exempt employees), a brief description of their duties, and the location where they work. Agency Report (AR) exh. A.2, BPA Staffing Chart.

Centerra argues that this information is proprietary to the firm, and that the agency's release of the information will cause it competitive harm in its effort to win the solicited requirement. Centerra argues that the names of all of its employees, along with the information relating to their positions and work duties, shows how Centerra staffed the predecessor contract, and that release of this information will provide an improper advantage to any other firm competing for the requirement.

We find no merit to Centerra's protest. Our Office has recognized the right of a firm to protect its proprietary data from improper release in a solicitation. In such cases, the record must show: (1) that the information is proprietary in nature; that it was submitted to the government in confidence; that its development involved significant time and expense; and that it includes material or concepts that could not be independently obtained from publicly available literature or common knowledge; and (2) that the protester will be competitively prejudiced by the release of the information. Rothe Development, Inc., B-279839, July 27, 1998, 98-2 CPD ¶ 31 at 2.

Release of information concerning, for example, the number of personnel performing an incumbent contract is not improper, Arctic Slope World Services, Inc., B-284481, B-284481.2, Apr. 27, 2000, 2000 CPD ¶ 75 at 5, nor is the release of other information (such as the number of meals served or the number of hours worked on a mess attendant contract) improper if the information in question was compiled from government-prepared contract administration documents. Ursery Companies, Inc., B-258247, Dec. 29, 1994, 94-2 CPD ¶ 264 at 3.

Here, the record shows that the information in question is not clearly proprietary, and in any case, there has been no showing on the part of the protester that the information will provide any firm a competitive advantage in the current competition.

As an initial matter we note that, of the 32 Centerra employees whose information was included in the RFO, nine of the individuals in question are identified as key employees under the predecessor contract performed by Centerra. Specifically, the predecessor contract identifies each individual by name and position, and also specifically lists them as key personnel. AR, exh. B.1, Centerra Contract, at 38.

The record shows that, in connection with a Freedom of Information Act request, Centerra initially objected to the agency's proposed release of the names and positions of these individuals, specifically claiming that this information was proprietary. AR, exh. B.2, Letter from Centerra to the BPA, July 28, 2016. However, in a subsequent letter to the agency, Centerra specifically withdrew its objection to the release of this information. AR, exh. B.4, Letter from Centerra to BPA, May 15, 2017. Based on these considerations, we conclude that the protester's current claim--that information

relating to these nine key personnel is proprietary--is inconsistent with its earlier actions; we therefore find that information relating to its key employees under the predecessor contract is not proprietary in nature.

The remaining 23 Centerra employees for whom the agency provided information are principally low-level, comparatively unskilled employees (general maintenance workers, utility workers, janitors, maintenance clerks or electricians, and heating, ventilation and air conditioning technicians) covered either under the Service Contract Act or a collective bargaining agreement. AR, exh. A.2, BPA Staffing Worksheet. The protester has not explained how information relating to the identity of, and positions occupied by, these individuals is proprietary or could possibly confer a competitive advantage on any of its competitors.

Centerra argues that its staffing strategy has been exposed because review of the information about its employees provides insight into how it has configured its staff to perform the predecessor contract. However, the information provided by the agency does not include the number of hours worked by each employee, whether they are full- or part-time, or how Centerra's staff is actually configured on a day-to-day basis. In the absence of such additional information, there is no reason for our Office to conclude that this information is proprietary.

In addition to the considerations discussed above, and more fundamentally, we also conclude that the information released by the agency cannot realistically provide a competitive advantage to any other offeror. As noted, Centerra's predecessor contract is confined to performing facilities management services, primarily at BPA's headquarters building in Portland, Oregon.<sup>1</sup> AR, exh. B.1, Centerra's Predecessor Contract; AR, exh. A.2, BPA Staffing Worksheet. The annual value of Centerra's contract is approximately \$3 million. AR, exh. B-1, Centerra's Predecessor Contract at 1.

In contrast, the current solicitation is for a much broader effort that includes comprehensive facilities management services at all of the facilities in the BPA enterprise. The RFO describes the solicited services as follows:

BPA owns and operates an estimated 2.7 million square feet of facilities valued at over \$1.15 billion across Oregon, Washington, Idaho, Montana, and California. This includes over 1,000 buildings at more than 400 sites that include critical infrastructure, such as control centers and substation control houses, in addition to maintenance shops, administrative offices and warehouses. Workplace Services [the BPA component responsible for facilities management] is also responsible for the GSA [General Services Administration]-owned BPA Headquarters building, corporate

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<sup>1</sup> Centerra also has two employees each at two other BPA facilities, and one employee at a third facility. AR, exh. A.2, BPA Staffing Chart.

commercially leased spaces, and various non-building assets at each site such as sewer systems, fences, and roads.

Historically, Workplace Services has met its facility related obligations through over a hundred contracts scattered across the region. Through this procurement, however, BPA is taking a different approach with a goal to enhance the overall program through a strategic alliance with a single qualified contractor.

RFO at 1. In addition to the vastly enlarged scale of the new contract, the record shows that the agency is soliciting various enhanced levels of services, as well as additional services, including, for example, construction services. Id. at 3. The record shows that the annual baseline operating budget for these services, approximately \$11.8 million, is almost four times the value of Centerra's current contract. RFO, Amend. No 0001, at 281.<sup>2</sup>

Based on these considerations, any information relating to Centerra's low-level facilities management staff--located principally at BPA's headquarters building and performing only limited facilities management services--cannot provide any realistic competitive advantage to any other firm in light of the vastly different scale and complexity of the solicited requirement compared to Centerra's predecessor contract. We therefore also conclude that, even if, as Centerra argues, the information at issue is proprietary, there simply is no basis for our Office to find that the release of the information resulted in competitive harm to the protester.

The protest is denied.

Thomas H. Armstrong  
General Counsel

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<sup>2</sup> The RFO and amendments were provided by the agency in a single pdf document. This page number corresponds to the numbering system applied by the agency in preparing its report.