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Decision

Matter of: VSolvit, LLC

File: B-418265.2; B-418265.3

Date: July 30, 2020

Antonio R. Franco, Esq., Anna R. Wright, Esq., Jason A. Blindauer, Esq., and Justin D. Haselden, Esq., Piliero Mazza PLLC, for the protester. Ambika J. Biggs, Esq., William L. Walsh, Esq., and Andrea I. Mousouris, Esq., Hirschler Fleischer, for New Directions Technologies, Inc., the intervenor. Gregg S. Sharp, Esq., and Craig Haughtelin, Esq., Department of the Navy, for the agency. Paul N. Wengert, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that agency misevaluated protester's technical approach as unacceptable is denied where the proposal did not show that the candidate for one of the key personnel positions had the specific experience the solicitation identified as a required qualification for the position, and the resulting evaluation was reasonable and consistent with the solicitation.
 2. Protester's challenges to other aspects of the evaluation are dismissed where the protester was not competitively prejudiced by any misevaluation of its own proposal, and was not an interested party to challenge the evaluation of the awardee's proposal because another acceptable offeror was in line for award.
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DECISION

VSolvit, LLC, of Ventura, California, a small business, protests the issuance of a SeaPort Next Generation task order to New Directions Technologies, Inc., of Ridgecrest, California, also a small business, under request for proposals (RFP) No. N63394-19-R-3506, issued by the Department of the Navy, Naval Sea Systems Command, for information technology team support services for the Naval Surface Warfare Center at Port Hueneme, California. VSolvit argues that the Navy misevaluated both firms' proposals and made an unreasonable source selection decision.

We deny the protest.

BACKGROUND

The RFP, issued September 14, 2019, sought task order proposals from small businesses holding contracts under the Navy's SeaPort Next Generation multiple-award task order contract to provide a variety of information technology support services under a single cost-plus-fixed-fee task order.

The RFP described the agency's requirements in a statement of work (SOW) and directed offerors to submit their proposals in four volumes to address such things as technical and management approach. RFP at 77. With respect to the technical approach, among other things, offerors were to provide a staffing plan matrix, in the form of a spreadsheet, organized by SOW paragraph/task area for all proposed personnel. The matrix was to include various information for each individual, including their name, employer, labor category, proposed position, years of related professional experience, highest educational degree held, and a "[d]escription of relevant experience that maps to the technical requirements." *Id.* at 82-83; Agency Report (AR), Tab 3.8, RFP attach. J-S-7 (model staffing matrix spreadsheet).

As relevant to the protest, the RFP also identified five key personnel positions, and listed specific qualifications that were required, and others that were desirable, for each position. RFP at 84-86. For the senior database engineer, the second of five required qualifications (which were listed twice in the RFP) was the following:

- Minimum of five years of experience with the Microsoft SQL [structured query language] server stack, Microsoft SQL, SQL Server Integration Services (SSIS), SQL Server Analysis Services (SSAS), and Microsoft SQL Server Reporting Services SSRS.

Id. at 14, 86.

The RFP provided that proposals would be evaluated under four factors: technical approach, management approach, past performance, and total evaluated cost. The management approach and past performance factors were to be evaluated as acceptable or unacceptable, while the technical approach factor would be evaluated qualitatively through the assessment of strengths, weaknesses, significant weaknesses, and deficiencies, and would be assessed combined technical/risk ratings of outstanding, good, acceptable, marginal, or unacceptable. *Id.* at 97.¹ A deficiency would result where the evaluation showed a proposal had a material failure to meet a requirement or a combination of significant weaknesses that increased the risk of unsuccessful performance to an unacceptable level. *Id.* Where a proposal did not meet the RFP requirements of the solicitation because it "contains one or more deficiencies, and/or

¹ Citations to the RFP in this decision are to the conformed RFP submitted as exhibit 1 to the agency report, into which the Navy incorporated all 10 amendments.

[the] risk of unsuccessful performance is unacceptable,” it would be rated unacceptable and would be ineligible for award. *Id.*

Of relevance here, the RFP described the evaluation under the technical approach factor as an assessment of “how [the offeror] addresses the requirements of the solicitation.” The evaluation would consider “the degree to which the Offeror’s proposed Technical Capability, Staffing Plan Matrix, and Key Personnel demonstrate the ability to perform the resulting task order,” and would also assess the “risks to successful task order performance relevant to this factor.” *Id.*

The Navy received task order proposals from seven firms, including both VSolvit and New Directions, the incumbent contractor. Contracting Officer’s Statement at 1. The evaluation concluded that two offerors’ proposals were acceptable, including that of New Directions, while the proposals submitted by the remaining five offerors, including VSolvit, were unacceptable under the technical approach factor. Specifically, in evaluating VSolvit’s proposal, the evaluators assessed three strengths, one weakness, three significant weaknesses, and one deficiency. AR, Tab 7, Source Selection Evaluation Board (SSEB) Report, at 48. Due to the assessment of a deficiency, VSolvit’s technical approach was rated unacceptable. While its management approach was evaluated as acceptable, VSolvit’s past performance and total evaluated cost were not evaluated because the unacceptable technical approach evaluation resulted in rejection of the proposal overall.

New Directions’s technical approach was assessed five strengths, one weakness, one significant weakness, and no deficiencies, and received an adjectival rating of good. Its ratings under the management approach and past performance factors were both acceptable, and its total evaluated cost was \$83.5 million. *Id.* at 8.

The Navy’s source selection authority (SSA) considered the evaluations and confirmed the evaluation of VSolvit’s proposal as unacceptable. AR, Tab 9, Redacted Source Selection Decision Document, at 2. The SSA then considered a tradeoff between the proposals from New Directions and Offeror A. The SSA noted that New Directions’s proposal had a significant advantage under the technical approach factor, both firms were acceptable under the management approach and past performance factors, and New Directions had the lower total evaluated cost. Based on its superior technical approach evaluation and lower total evaluated cost, the SSA determined that the proposal submitted by New Directions provided the best value to the Navy and selected it for award. *Id.* at 6. On April 20, the Navy notified VSolvit that the agency had selected New Directions for award. The notification included a debriefing and a copy of the SSEB report. The following day, VSolvit requested additional information from the Navy, and the agency responded on April 24. This protest followed.²

² The value of the contracting action at issue exceeds \$25 million, so the protest is within our Office’s task order jurisdiction. 10 U.S.C. § 2304c(e)(1)(B).

DISCUSSION

VSolvit raises multiple issues to argue that its proposal was misevaluated and that the Navy unreasonably selected New Directions for award. The protester contends that the technical evaluation was superficial, and that the evaluators misevaluated its proposal in multiple ways by finding that the senior database engineer was unqualified, assessing other weaknesses and significant weaknesses, and failing to recognize an important strength. VSolvit also argues that New Directions's senior database engineer similarly should have been deemed unqualified, its staffing plan was unacceptable, and its proposal should have been rejected. As explained below, the record supports the Navy's evaluation of VSolvit's proposal as unacceptable, and we deny the protest on that basis.

VSolvit contends that the record shows that the Navy's evaluation was unreasonable in multiple respects. The protester primarily argues that the agency unreasonably assessed its proposal a deficiency based on a misinterpretation of the qualifications of its senior database engineer. Protest at 10-11.

The Navy defends the evaluation as reasonable because the protester's proposal did not demonstrate that the firm's candidate for the senior database engineer had the required qualifications. Specifically, the solicitation required the senior database engineer to have a "[m]inimum of five years of experience with the Microsoft SQL [structured query language] server stack, Microsoft SQL, . . . [and] SQL Server Analysis Services (SSAS)" RFP at 14. VSolvit's proposal stated that its candidate for senior database engineer had more than 23 years of experience as a professional database developer and administrator, and had "worked with all aspects of SQL Server, including designing and creating new databases, maintaining and configuring server instances, and advanced reporting and analytics." AR, Tab 5.2, VSolvit Technical Proposal, at 55. The candidate's résumé showed experience in one position for 11 years providing "administration, maintenance, and technical support for all production, test, and development databases," which was followed by a list of key responsibilities and accomplishments at that position. *Id.* at 57. However, as the agency explains, the candidate's experience never expressly mentioned SSAS, so the evaluators determined that her resume did not show five years of SSAS experience and the proposal should be assessed a deficiency for failing to meet that requirement.

The protester argues that this aspect of the evaluation was unreasonable because the Navy should have recognized that SSAS is "run as part of Microsoft SQL Server" and therefore the "obvious and most logical conclusion" from the candidate's listed experience with Microsoft SQL "is that she performed analytic functions using SSAS." Protest's Supp. Comments at 3. VSolvit complains that the evaluators instead unreasonably assumed that its candidate performed analytics with a different tool instead of SSAS. *Id.*

The Navy counters that its evaluation was comprehensive and reasonable, and that the résumé for VSolvit's senior database engineer does not show that the candidate had any experience using SSAS, much less that she had at least five years of experience

with the tool as the RFP required. The Navy contends that the proposal's failure to demonstrate this experience justified the assessment of the deficiency and rendered the entire proposal unacceptable. Memorandum of Law (MOL) at 2. The Navy also notes that VSolvit does not claim that its proposal expressly identified SSAS experience; rather, the agency emphasizes that VSolvit's contention is that the evaluators should have deduced SSAS experience from the circumstances. Specifically, the protester points to the extent of the candidate's experience with other aspects of Microsoft SQL, and the fact that SSAS is the analytics tool provided upon installation of SQL systems. *Id.* at 5. The Navy disputes the protester's contention and argues that experience with SSAS is not implied by any of the experience listed in VSolvit's proposal generally or the candidate's résumé in particular. *Id.* at 6-8. Overall, the Navy argues that the omission of any express statement addressing experience with SSAS justified the evaluators' assessment of a deficiency because the proposal did not show that the candidate had all aspects of the required experience required by the RFP. *Id.* at 8.

In reviewing a protest challenging an agency's technical evaluation, our Office does not independently evaluate proposals; rather, we review the agency's evaluation to ensure that it is consistent with the terms of the solicitation and applicable statutes and regulations. *Data Matrix Sols., Inc.*, B-412520, Mar. 14, 2016, 2016 CPD ¶ 87 at 4-5. We have consistently stated that the evaluation of proposals is a matter within the discretion of the procuring agency; we will question the agency's evaluation only where the record shows that the evaluation does not have a reasonable basis or is inconsistent with the RFP. *Id.* at 5. An offeror has the burden of submitting an adequately written proposal, and it runs the risk that its proposal will be evaluated unfavorably when it fails to do so. *Id.*; see also *ICI Servs. Corp.*, B-411812, B-411812.2, Sept. 21, 2015, 2015 CPD ¶ 288 at 4-5 (agency reasonably rejected task order proposal as unacceptable where solicitation contemplated evaluation of key personnel and protester's proposal failed to demonstrate that proposed key personnel held the required qualifications).

Our review of the record supports the Navy's evaluation of a deficiency for VSolvit's technical approach. A review of the proposal shows that the résumé for the senior database engineer does not identify experience with SSAS. Even accepting the protester's contention that the proposal could be read to imply that the candidate had that experience, we nevertheless consider the Navy's evaluation reasonable because the Navy's evaluators were not required to make a favorable assumption about information that VSolvit failed to provide in its proposal. *Data Matrix Sols., Inc.*, *supra*, at 5. The rejection of VSolvit's proposal as unacceptable based on the assessment of that deficiency was consistent with the terms of the RFP. Accordingly, we deny the protester's challenge to this aspect of its technical evaluation.

VSolvit's contention that the agency treated the offerors unequally in evaluating New Directions's senior database engineer is based on a distortion of the evaluation process. In its proposal, New Directions listed each of the required experience elements for the senior database engineer--including SSAS--in its candidate's résumé. AR, Tab 6.1, New Directions Technical Approach Proposal, Appx. At 10 (candidate's required

experience included “6 years of experience with the Microsoft SQL server stack, Microsoft SQL . . . [and] SQL Server Analysis Services (SSAS) . . .”). VSolvit contends that when New Directions identified its candidate’s experience using the same terminology as the RFP, the Navy should have deemed the response improper, rejected the senior database engineer’s qualifications, and found the proposal unacceptable. Failing to do reject the awardee’s proposal represented unequal treatment, according to the protester. Supp. Protest at 15.

We see no unequal treatment in the agency’s evaluation of these proposals. The proposal submitted by New Directions expressly listed the candidate’s qualifications as exceeding the minimum requirement of five years of experience using SSAS. In contrast, the proposal submitted by VSolvit omitted any clear statement that its candidate had experience with SSAS. In our view, the record supports the Navy’s conclusion that these proposals were different, so the evaluation of the former as acceptable, and the rejection of the latter, does not support the protester’s claim of unequal treatment.

Since the record supports the rejection of VSolvit’s proposal based on its failure to show that its senior database engineer possessed the required qualifications, VSolvit was not competitively prejudiced by any errors regarding other aspects of the evaluation of its proposal. Even if VSolvit could show that other aspects of the evaluation of its proposal were unreasonable, its proposal was properly rejected as unacceptable. Competitive prejudice is an essential element of any viable protest, and where none is shown or otherwise evident, we will not sustain a protest, even where a protester may have shown that an agency’s actions arguably were improper. *Asset Protection & Sec. Servs., LP*, B-417024.6, B-417024.7, Apr. 6, 2020, 2020 CPD ¶ 137 at 5.

VSolvit is also not an interested party to challenge the Navy’s evaluation of the New Directions proposal. In order for a protest to be considered by our Office, a protester must be an interested party, meaning it must have a direct economic interest in the resolution of a protest issue. 4 C.F.R. § 21.0(a). A protester is an interested party to challenge the evaluation of an awardee’s proposal where there is a reasonable possibility that the protester’s proposal would be in line for award if the protest were sustained. However, where there is an acceptable offeror that would be in line for the award ahead of the protester even if the protester’s challenge to the award were to be sustained, the protester’s interest is too remote to qualify as an interested party. *Panum Telcom, LLC*, B-418202, Jan. 17, 2020, 2020 CPD ¶ 34 at 3. Since VSolvit’s challenges to the evaluation of its own proposal lack merit, and a third firm (that is, the firm identified above as Offeror A) submitted an acceptable proposal that VSolvit has not challenged, that firm is in line for award. Accordingly, we dismiss the remainder of VSolvit’s grounds of protest.

The protest is denied.

Thomas H. Armstrong
General Counsel