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Decision

Matter of: Lamb Informatics, Ltd.

File: B-418405.5; B-418405.6

Date: March 5, 2021

Lawrence P. Block, Esq., and Elizabeth G. Leavy, Esq., Reed Smith LLP, for the protester.

J. Scott Hommer III, Esq., Rebecca E. Pearson, Esq., Krista A. Nunez, Esq., Taylor A. Hillman, Esq., and Caleb E. McCallum, Esq., Venable, LLP, for Pyramid Systems, Inc., the intervenor.

Jackson Reams, Esq., General Services Administration, for the agency.

Christopher Alwood, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's assessment of a deficiency under the management approach factor is denied where the agency's evaluation was reasonable and consistent with the solicitation criteria.
 2. Protester is not an interested party to challenge other aspects of the evaluation where its quotation was reasonably evaluated as ineligible for award.
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DECISION

Lamb Informatics Limited, of Fairfax, Virginia, protests the issuance of a task order to Pyramid Systems, Inc. of Fairfax, Virginia, under request for quotations (RFQ) No. ID11190052, issued by the General Services Administration (GSA) on behalf of the Department of Housing and Urban Development (HUD) for information technology (IT) support services. The protester alleges that the agency unreasonably assessed a deficiency under the management approach evaluation factor. The protester also challenges various other aspects of the agency's evaluation and award decision.

We deny the protest.

BACKGROUND

GSA issued the solicitation via the agency's e-Buy website on November 8, 2019, seeking quotations to provide IT support services in for HUD's Office of the Chief

Information Officer. Agency Report (AR), Exh. 1, RFQ at 1-5; Contracting Officer's Statement (COS) at 1. The RFQ was issued under GSA's Federal Supply Schedule (FSS), utilizing Federal Acquisition Regulation (FAR) subpart 8.4 procedures. RFQ at 3. The RFQ contemplated the establishment of at least eight blanket purchase agreements (BPA), on a lowest-priced technically acceptable basis, with vendors holding contracts under schedule No. 70, special item number (SIN) 132-51 for IT Professional Services. *Id.* at 1-3, 93. The RFQ anticipated that the agency would issue a total of at least six task orders under the established BPAs, with each task order supporting a specific set of program offices within HUD, categorized as program office groupings (POG). *Id.* at 5. The RFQ also contemplated the issuance of two task orders concurrent with the establishment of the BPAs, one in support of POG five, multi-family housing, and another in support of POG six, single family housing. *Id.* at 3, 5. Only the task order referred to as the POG six task order--a time-and-materials and labor-hour task order for IT operations and maintenance tasks in support of POG six, single family housing--is at issue in this protest. See RFQ at 5, 31; see also AR, Exh. 2, Technical Evaluation Plan at 1-2.

The RFQ provided for award of the POG six task order on a best-value tradeoff basis, considering price and the following three non-price factors: (1) technical approach; (2) management approach; and, (3) key personnel. *Id.* at 93-94, 97. For purposes of performing the best-value tradeoff, the non-price factors were to be weighted equally, and when combined were considered equally important to price. *Id.* at 93.

When conducting its evaluation of quotations, the agency would assign each non-price factor an adjectival rating of excellent, good, acceptable, or not acceptable. AR, Exh. 2, Technical Evaluation Plan at 7-8. As relevant here, the technical evaluation plan provided that in order to be rated acceptable or better, a quotation could not contain any deficiencies,¹ and that a quotation that contained one or more deficiencies would be rated not acceptable. *Id.* The RFQ specified that all three non-price factors would be considered together for the purpose of assigning an overall technical rating. RFQ at 93. The RFQ mandated that the agency would conduct price evaluations for, and therefore consider further for award, only quotations that had been evaluated with an overall technical rating of acceptable or higher. *Id.*

As relevant to this protest, the solicitation instructed vendors to submit a management approach which described the vendor's "methodology and approach for determining and meeting performance measures identified" and specified that vendors should not submit "generic quality control process[es]." *Id.* at 91. The RFQ further instructed vendors, as

¹ The technical evaluation plan defined a deficiency as "a material failure to meet a solicitation requirement or a combination of significant weaknesses that increases the risk of unsuccessful [t]ask [o]rder performance to an unacceptable level or precludes the Government's ability to evaluate the proposal." AR, Exh. 2, Technical Evaluation Plan at 7. The plan also specified that failure to include an item called for in the RFQ's submission instructions would constitute a deficiency. *Id.*

part of their management approach, to submit a quality management plan which contained “at a minimum” the following:

- a. Performance Monitoring Methods
- b. Performance Measures
- c. Approach to ensure that cost, performance, and schedule comply with task planning.
- d. Methodology for continuous improvement of processes and procedures, including the identification of service metrics that can be tracked in the [task order].
- e. Government Roles
- f. Contractor Roles

Id.

The RFQ provided that the agency would evaluate each vendor’s management approach and “assess the degree to which [the quotation] reflects an effective and efficient plan and a practical level of understanding of the operating environment” to accomplish the task order. *Id.* at 98. Specifically, the RFQ required the agency to:

evaluate the project management strategy including indicators showing how the project will be implemented and the offeror’s ability to manage resources. The offeror’s management approach will be evaluated based on the degree to which it demonstrates:

- a. A sound approach to identifying and applying resources to accomplish the requirements in an appropriate and efficient manner.
- b. Clear lines of communication between the offeror and the Government, for timely problem identification, mitigation, and resolution.

Id.

After GSA identified the vendors with which it would establish BPAs under the RFQ, the agency subsequently evaluated POG six task order quotations from five apparent BPA holders, including Lamb and Pyramid. COS at 3. In evaluating Lamb’s POG six task order quotation, the agency assessed a deficiency under the management approach factor for failing to describe how Lamb would measure performance. AR, Exh. 4, Technical Evaluation Board (TEB) Consensus Report at 56. The evaluators stated that Lamb’s discussion was not sufficiently detailed, explaining that there “was no description of the steps Lamb would take” and that Lamb’s quotation “showed *what* Lamb wanted to do, but not *how*.” *Id.* (emphasis in original).

Based on the assessed deficiency, the TEB assigned Lamb's quotation a rating of not acceptable under the management approach factor.² *Id.* at 54. The TEB also assigned Lamb's quotation an overall technical rating of not acceptable. *Id.* at 11. The contracting officer agreed with the TEB's evaluation and, based on the overall technical rating of not acceptable and the RFQ's instructions, did not further evaluate Lamb's quotation or consider it in the best-value tradeoff. AR, Exh. 6, Award Decision Document at 2, 4, 8-9.

On November 25, the agency notified Lamb that it had issued the POG six task order to Pyramid. Protest at 1; Protest, Exh. A, Task Order Award Announcement. On December 1, GSA provided Lamb with a brief explanation of award. Protest, Exh. B, Brief Explanation of Award at 1. On December 4, this protest followed.

DISCUSSION

The protester challenges the agency's assessment of a deficiency under the management approach factor. Protest at 9-10, 19-20; Comments & Supp. Protest at 9-10; 20. Specifically, Lamb argues that the agency applied unstated evaluation criteria when evaluating Lamb's management approach and that the agency's evaluation was based on an inaccurate reading of Lamb's quotation. *Id.* The protester also challenges various other aspects of the agency's evaluation and award decision.³ Protest at 8-18, 20-24; Comments & Supp. Protest at 2-9. For the reasons set forth below, we find no basis to sustain the protest.

Management Approach Evaluation

First, the protester contends that the agency applied unstated evaluation criteria in its evaluation of Lamb's management approach. The protester alleges that the agency unreasonably assessed Lamb's quotation a deficiency for failing to describe how Lamb would measure performance, even though there was no explicit requirement in the RFQ for vendors to demonstrate how they would measure performance. Protest at 9-10; Comments & Supp. Protest at 9-10. Specifically, the protester argues that the RFQ's instructions describing what should be included in a quotation's management approach required only a draft quality management plan which contained performance measures and "nothing more." Comments & Supp. Protest at 10.

² The agency also assessed Lamb's quotation a significant weakness under the management approach factor, which was included in the agency's explanation of its rationale for assigning a not acceptable rating. See AR, Exh. 4, TEB Consensus Report at 54. However, as noted above, the assessment of a single deficiency, by itself, mandated the assignment of a rating of not acceptable.

³ While our decision does not address every issue raised by Lamb, we have considered the arguments and find none that provides a basis to sustain the protest.

The agency responds that the solicitation's language describing how it would evaluate vendors' management approaches explicitly permitted "substantive consideration of how performance would be measured." Memorandum of Law (MOL) at 8. The agency notes the RFQ required the agency to evaluate the degree to which the management approach "reflects an effective and efficient plan" and "the project management strategy including indicators showing how the project will be implemented." *Id.*; See RFQ at 98. The agency argues that this language permitted the consideration of how performance would be measured when considering the quality management plan's proposed performance measures. MOL at 8.

Where a dispute exists as to a solicitation's actual requirements, we begin by examining the plain language of the solicitation. *Point Blank Enters., Inc.*, B-411839, B-411839.2, Nov. 4, 2015, 2015 CPD ¶ 345 at 4. We resolve questions of solicitation interpretation by reading the solicitation as a whole and in a manner that gives effect to all provisions; to be reasonable, and therefore valid, an interpretation must be consistent with such a reading. *Desbuild Inc.*, B-413613.2, Jan. 13, 2017, 2017 CPD ¶ 23 at 5. If the solicitation language is unambiguous, our inquiry ceases. *Id.*; *Pond Constructors, Inc.*, B-418403, Mar. 23, 2020, 2020 CPD ¶ 129 at 6. Based on the plain language of the submission instructions and management approach evaluation factor at issue here, we agree with the agency's interpretation and find no merit in the protester's argument.

On this record, we find that the agency's interpretation of the solicitation, when read as a whole, is reasonable, whereas the protester's interpretation is not reasonable. While Lamb makes much of the fact that the submission instructions for vendors' quality management plans did not explicitly require that vendors demonstrate how they would measure performance, the protester ignores the general submission instructions for vendors' management approach. As noted above, the RFQ specifically instructed vendors to describe their "methodology and approach for determining and meeting performance measures identified" in their management approach. RFQ at 91. Further, as noted by the agency, the RFQ provided that the agency would evaluate whether the management approach "reflect[ed] an effective and efficient plan" and specified that this included "indicators showing how the project will be implemented." RFQ at 98.

The plain language of these provisions, when read in light of the solicitation as a whole, is not susceptible to the reading advanced by the protester. The solicitation language relied on by the protester--that vendors were required to identify performance measures as part of their quality management plan--does not conflict with the RFQ's explicit instructions that vendors should describe in their management approach their "methodology and approach for determining and meeting performance measures identified." See RFQ at 91. The protester does not provide a reasonable explanation as to why the general submission instructions for the entire management approach would not apply to the specific instruction to identify performance measures in the

quality management plan.⁴ In light of the above, Lamb's argument that its quotation was not required to demonstrate how it would measure performance is unreasonable and contrary to the terms of the solicitation, and we see no merit to Lamb's argument that the agency applied unstated evaluation criteria.

Alternatively, Lamb argues that even if the agency's interpretation of the solicitation was reasonable--that is, even if the agency was required to evaluate the method offerors would employ to measure performance--the agency's assessment of a deficiency to the firm's quotation under the management approach factor was unreasonable. Protest at 19-20; Comments & Supp. Protest at 20. In support of its argument, Lamb points to figure 30 from a section in its quotation entitled "performance monitoring methods," stating that it contains "a comprehensive list of the performance measures it would employ." Protest at 19 (*citing* AR, Exh. 7, Lamb Technical Quotation at 44-45). Lamb also points to comments within the same performance monitoring methods section of its quotation, claiming that it explains how Lamb planned to use the measures identified in figure 30. Protest at 19-20 (*citing* AR, Exh. 7, Lamb Technical Quotation at 45-46).

The agency responds that its evaluation of Lamb's management approach was reasonable because Lamb's performance monitoring methods narrative does not provide detailed information on how the protester intended to measure performance. MOL at 32-33. The agency argues that the language cited by the protester "only indicates that measurement would occur" and "references current quality control efforts not otherwise recited" or explained in the quotation. *Id.* at 33.

Where, as here, an agency issues an RFQ to FSS vendors under FAR subpart 8.4 and conducts a competition for the issuance of an order, we will review the record to ensure that the agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. *Carahsoft Tech. Corp.*, B-401169; B-401169.2, June 29, 2009, 2009 CPD ¶ 134 at 3. It is a vendor's responsibility to submit a well-written quotation, with adequately detailed information which clearly demonstrates compliance with the solicitation requirements; a vendor runs the risk that the agency will unfavorably evaluate its proposal where it fails to do so. See *The Concourse Group, LLC*, B-411962.5, Jan. 6, 2017, 2017 CPD ¶ 36 at 7. A protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. *Id.*

Here, the agency found Lamb's quotation describing performance measures contained "little description or explanation of the concrete steps Lamb would take to measure performance." AR, Exh. 4, TEB Consensus Report at 56 (*citing* AR, Exh. 7, Lab Technical Quotation at 42-44). The record demonstrates that, despite the protester's arguments to the contrary, the agency considered the information found in the performance monitoring methods section of Lamb's quotation and found that they did

⁴ As noted above, the quality management plan was to be submitted as a part of the quotation's management approach section. RFQ at 91.

not describe in sufficient detail how Lamb would determine and meet the performance measures identified.⁵ *Id.* at 56-57.

Further, in assessing the deficiency, the agency described multiple instances from Lamb's quotation where the protester stated what it proposed to do, but did not describe how it would accomplish the proposed result.⁶ *Id.* at 57. The protester does not identify, nor does our review of the record reveal, anywhere in its quotation where it described in any detail how it would measure the performance of the examples identified in the evaluation report's description of the deficiency. The agency concluded that the information in Lamb's management approach was "generic and aspirational" and that Lamb had failed to "specifically and concretely show the Government the steps that would be taken to manage each part of [the] program." *Id.*

On this record, we find no basis to question the agency's assessment of a deficiency to Lamb's management approach with regard to the level of detail describing how Lamb intended to measure performance. As noted above, the record established that the agency identified areas of Lamb's quotation that it found to lack sufficient detail. The solicitation both required vendors to describe their "methodology and approach for determining and meeting performance measures identified" and provided for the agency to conduct an evaluation under which the assessment of "the project management strategy including indicators showing how the project will be implemented" was required. RFQ at 91, 98. While Lamb may disagree with the agency's judgments, it has failed to establish that those judgments were unreasonable.

Remaining Challenges

As noted above, Lamb raises additional protest allegations challenging the agency's evaluation of quotations and award decision. Protest at 8-18, 20-24; Comments & Supp. Protest at 2-9. We dismiss these remaining allegations because Lamb, having been found not acceptable under the management approach factor due to a reasonably assessed deficiency, is not an interested party to raise them.⁷

⁵ For example, the agency recognized that Lamb's proposed [DELETED]--a tool described in the performance monitoring methods section of Lamb's quotation and not the performance measures section--would be used to measure performance, but found that there was not sufficient description of how Lamb planned to do so. *Id.*

⁶ For example, the agency found that in describing its planning phase, Lamb stated it would train its personnel "on project-specific elements and HUD environments needed to be successful" but did not specify the projects, elements, or who would do the training. AR Exh. 4, TEB Consensus Report at 57 (*citing* AR, Exh. 7, Lamb Technical Quotation at 34).

⁷ Lamb does challenge aspects of the agency's evaluation of the awardee's quotation. However, under our Bid Protest Regulations a protester is not an interested party where it would not be in line for award even were its protest to be sustained. 4 C.F.R.

(continued...)

Under our Bid Protest Regulations, a protester must be an interested party, that is, an actual or prospective offeror whose direct economic interest would be affected by the award of a contract. 4 C.F.R. § 21.0(a)(1). A protester is not an interested party if it would not be in line for award if its protest were sustained. *BANC3, Inc.*, B-416486, B-416486.2, Sept. 10, 2018, 2018 CPD ¶ 316 at 9.

In summary, even if we found that Lamb's remaining allegations had merit, Lamb's quotation would still be ineligible for award based on the reasonably assessed deficiency, and we have found no basis to disagree with the agency's decision not to consider Lamb in the best-value tradeoff. Accordingly, we dismiss the remaining allegations.

The protest is denied.

Thomas H. Armstrong
General Counsel

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§ 21.0(a)(1); *RELM Wireless Corp.*, B-405358, Oct. 7, 2011, 2011 CPD ¶ 211 at 2. The record demonstrates that, even if Pyramid were ineligible for award, there are still two eligible vendors in line for award before Lamb. See AR, Exh. 6, Award Decision Document at 5, 8-9. Since there has been no challenge to any of the intervening quotations that would precede the protester's in eligibility for award under this RFQ, the protester lacks the direct economic interest required to maintain its protest.