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Decision

Matter of: REV, LLC

File: B-418461.10

Date: February 18, 2021

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DIGEST

1. Protest challenging the agency's evaluation of sample tasks using a model answer not disclosed to offerors is denied where the agency's model answer, which consisted of high-level focus areas and related sub-areas, was reasonably related to the requirements in the performance work statement.
 2. Protest alleging various errors in the agency's evaluation of the protester's proposal is denied where the protester has failed to demonstrate that the agency's evaluation was unreasonable or inconsistent with the solicitation.
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DECISION

REV, LLC, a service-disabled veteran-owned small business (SDVOSB) of Lakewood, Washington, protests the elimination of its proposal from the competition by the Department of Veterans Affairs (VA) under request for proposals (RFP) No. 36C10B19R0046 for professional and information technology (IT) services. REV argues that the agency unreasonably eliminated its proposal.

We deny the protest.

BACKGROUND

The procurement at issue is commonly referred to as the Transformation Twenty-One Total Technology Next Generation procurement (or T4NG). Contracting Officer's Statement (COS) at 1. With a program ceiling of \$22.3 billion, T4NG is a multiple award indefinite-delivery, indefinite-quantity (IDIQ) contract that provides professional and IT services for the VA. Agency Report (AR), Tab 5, T4NG On-Ramp RFP at 7. T4NG

delivers contractor provided solutions in support of IT, health IT, and telecommunications, to include services and incidental hardware/software, for customer requirements that vary across the entire spectrum of existing and future technical environments. *Id.* at 12; COS at 1.

Currently, there are 28 prime vendors that hold the T4NG contract: 12 large businesses and 16 SDVOSBs. COS at 1. Relevant here, the T4NG contract includes “on-ramp” procedures--*i.e.*, a process to add additional vendors to the contract--for SDVOSBs, veteran-owned small business, and small business contractors. RFP at 77. The RFP specified that the on-ramp procedures could be implemented at any time by reopening the competition and utilizing the same terms and conditions of the T4NG contract. *Id.*

On November 12, 2019, the VA issued the T4NG on-ramp solicitation, which contemplated the award of individual task orders on a performance-based time-and-material, cost-reimbursement, and fixed-price basis for a period of approximately 5-years. *Id.* at 16. This solicitation, issued to replenish the pool of SDVOSB contractors for the T4NG contract, stated that the agency intended to award seven contracts to SDVOSBs. *Id.* at 132; COS at 1.

The solicitation provided that the agency would make award to the SDVOSBs whose proposals represented the best value, considering the following factors, listed in decreasing level of importance: technical, past performance, veterans employment, small business participation commitment (SBPC), and price. RFP at 133.

The technical factor was comprised of two subfactors, sample tasks and management. The sample task subfactor, consisted of sample tasks 1 and 2, which were of equal importance.¹ *Id.* Under the technical factor, the sample task subfactor was significantly more important than the management subfactor. *Id.* Overall, the technical factor was significantly more important than the past performance factor, with past performance and all subsequent factors each slightly more important than the following factor. *Id.* All non-price factors, when combined, were significantly more important than price. *Id.*

Under each technical factor and subfactor, and under the SBPC factor, proposals would receive an adjectival rating of outstanding, good, acceptable, susceptible to being made acceptable, or unacceptable. AR, Tab 4, Source Selection Evaluation Plan at 23. Under the past performance factor, each proposal would receive an adjectival risk assessment. *Id.* at 23-24. Pertinent to this protest, the solicitation advised that offerors were responsible for including sufficient details, in a concise manner, to permit a complete and accurate evaluation of each proposal. RFP at 122.

¹ Sample task 1 asked offerors to explain how they would analyze, report, prioritize, remediate, and track VA’s infrastructure and IT components in anticipation of a new electronic health records (EHR) system. RFP at 203. Sample task 2 asked offerors for their plan to build an online form submission application. *Id.* at 209.

The solicitation established that the technical evaluation was comprised of two steps, which the solicitation termed step one and step two. RFP at 132. In step one, offerors were required to submit a proposal that included three parts: a response to sample task 1, a price volume, and a volume of certifications and representations. *Id.* After the evaluation of step one proposals, the agency would establish a competitive range. *Id.* The step one evaluations of an offeror's sample task 1 and price were carried forward to the step two evaluation and would not be reevaluated. *Id.*

In step two, the agency would evaluate an offeror's response to sample task 2 and finalize the adjectival rating for the sample task subfactor. *Id.* at 133. Broadly, the sample task evaluation would assess the extent to which an offeror demonstrated an understanding of all facets of the problem and whether its proposed solution provided the agency with a high-level of confidence in successful project completion. *Id.* at 134.

The VA would also evaluate the management subfactor, the technical factor, the past performance factor, the veterans employment factor, and the SBPC factor. *Id.* As to the price evaluation, the agency would conduct a price realism evaluation by examining an offeror's labor rates to assess performance risk, but would not adjust an offeror's overall price. *Id.* at 136.

Regarding the sample tasks, the solicitation stated that these tasks were designed to test the offeror's expertise and innovative capabilities to respond to the types of situations that may be encountered in contract performance. *Id.* at 134. The solicitation cautioned offerors that they would not be given an opportunity to correct or revise a sample task response. *Id.*

In evaluating the offeror's response to a sample task, the RFP stated that it would consider the extent that the response demonstrated its understanding of all of the features involved in solving the problems presented, and meeting the requirements, including identifying uncertainties and proposing resolutions to address them. *Id.* The response to the sample tasks was also evaluated for its feasibility of approach, which encompassed considering whether the offeror's methods and approach to the sample task requirements provided the agency with a high degree of confidence of successful completion. *Id.*

The agency evaluated 94 step one proposals. COS at 3.² The agency established a competitive range of 33 of the highest rated proposals, including REV, and held discussions with those offerors. AR, Tab 10, T4NG On-Ramp Competitive Range Determination Memorandum at 3. Step two proposals, which included sample task 2, were requested and received from the offerors in the competitive range, including REV. *Id.* The agency assigned REV's proposal a rating of acceptable for the technical factor

² The agency received 98 step one proposals, however, three were untimely and therefore immediately eliminated, and one offeror withdrew its proposal. COS at 3 n.1.

and sample task subfactor, and a rating of good for the management subfactor.³ *Id.* at 4. In addition, the agency assigned the protester's proposal a rating of low risk for the past performance factor, recognized the firm's commitment that [DELETED]% of REV's workforce would include veterans under the veterans employment factor, and assessed REV's proposal a rating of good under the SBPC factor. *Id.* REV's proposal included a proposed price of \$6,766,666,897. *Id.*

The Source Selection Authority (SSA) determined that REV's proposal was not among the highest-rated proposals, and eliminated it from the second competitive range. *Id.* at 6; AR, Tab 11, Unsuccessful Offeror Letter at 1. In making her decision, the SSA explained that she decided to exclude from the step 2 competitive range all proposals with a rating of acceptable under the technical factor. AR, Tab 10, T4NG On-Ramp Competitive Range Determination Memorandum at 5. All of the proposals eliminated from the step 2 competitive range received a rating of acceptable under the sample task subfactor. *Id.*

In selecting the proposals to be included in the step two competitive range, the SSA recognized that the solicitation did not permit revisions of sample task responses through discussions, and thus an offeror's rating under the sample task subfactor could not be improved. *Id.* The SSA further noted that none of the excluded proposals had issues requiring remediation under the management sub-factor. *Id.* As a result, the technical factor adjectival rating for the excluded proposals would not improve after step two competitive range discussions. *Id.* After the agency provided REV with a debriefing, this protest was filed with our Office.

DISCUSSION

REV challenges the agency's evaluation of its proposal under the technical factor, asserting that the agency improperly used unstated evaluation criteria in evaluating its sample task 1, and unreasonably assigned weaknesses to its proposal, for both sample tasks 1 and 2, under the sample task subfactor. The protester also contends that the agency erred in assigning an "acceptable" rating to its proposal under the technical factor.⁴ We have fully considered all of REV's protest grounds, and although we

³ A rating of acceptable would be assigned to a proposal that met all of the government's requirements, contained at least minimal detail, demonstrated at least a minimal understanding of the problems, and was at least minimally feasible (moderate to high degree of risk). AR, Tab 4, Source Selection Evaluation Plan at 23. A proposal rated as good met or exceeded all of the government's requirements, contained at least adequate detail, demonstrated at least an understanding of the problems, and was at least feasible (low to moderate degree of risk). *Id.*

⁴ The protester initially challenged the agency's price realism evaluation, but withdrew this allegation in its comments. See Comments at 1 n. 2. Accordingly, we do not further address this allegation.

address only a portion of the arguments below, we find that none provide a basis to sustain the protest.

REV first argues that the agency improperly used unstated evaluation criteria in evaluating its proposal under the sample task 1. As discussed below, we find the agency's evaluation unobjectionable.

In reviewing protests challenging the evaluation of proposals, we do not conduct a new evaluation or substitute our judgment for that of the agency but examine the record to determine whether the agency's judgment was reasonable and in accord with the RFP evaluation criteria. *Gonzales Consulting Services, Inc.*, B-416676, B-416676.2, Nov. 20, 2018, 2018 CPD ¶ 396 at 7. An offeror has the burden of submitting an adequately written proposal, and it runs the risk that its proposal will be evaluated unfavorably if it fails to do so. *Hawk Institute for Space Sciences*, B-409624, June 20, 2014, 2014 CPD ¶ 200 at 3. A protester's disagreement with the agency's judgment, without more, is not sufficient to establish that an agency acted unreasonably. *Id.*

Regarding the agency's evaluation of REV's response to sample task 1, the protester argues that the agency mechanically evaluated its proposal against unstated evaluation criteria by using a government developed solution made up of high-level focus areas in its evaluation of sample task 1. Protest at 11. The protester contends that the solicitation did not reasonably advise offerors that the agency expected prospective offerors to address an undisclosed checklist of factors that was so specific, it could only be related to a specific, concrete, and undisclosed facility. *Id.* at 13. REV maintains that the agency created and evaluated its proposal against a detailed facility not contemplated by the sample task or the performance work statement (PWS), rather than evaluating the protester's proposal on its own merits. *Id.*

In response, the agency first notes that the solicitation described sample task 1 as a test that specifically asked offerors to "describe in detail your approach to analyze, remediate, and report VA infrastructure/IT deficiencies across the organization to prepare VA facilities for the new EHR system." RFP at 203. The agency also explains that it developed a model answer that was drawn entirely from the PWS, not a specific facility, and this answer was then used to gauge the offeror's understanding of the problem and feasibility of its approach. Memorandum of Law (MOL) at 10. Specifically, the VA avers that the model answer identified high-level focus areas, and lower-level focus areas intrinsic to the higher-level focus areas, that it deemed necessary to meet the agency's requirements for the sample task, to assist the evaluators in determining if offerors' responses to sample task one were complete. MOL at 10; COS at 7; AR, Tab 8, REV Technical Factor Report at 2. The VA maintains that these high-level focus areas were purposefully broad enough so as not to limit offerors to any specific approach. MOL at 7. The agency states that it expected offerors to demonstrate a detailed approach to addressing the issues necessary to access and remediate VA's infrastructure as a whole, rather than for a specific VA facility. *Id.* at 11.

Here, the record shows, contrary to REV's general disagreement, that the VA's evaluation of REV's response to sample task 1 was reasonable and consistent with the RFP.

First, we find that the agency's consideration of high-level focus areas and related sub-areas was reasonable in light of the requirements set forth in the PWS. As a general matter, when evaluating proposals, an agency properly may take into account specific, albeit not expressly identified, matters that are logically encompassed by, or related to, the stated evaluation criteria. *Synaptek Corp.*, B-410898.6, Feb. 29, 2016, 2016 CPD ¶ 78 at 9 (denying protest challenging VA's use of model answer evaluation scheme, where protester failed to show that key focus areas and lower-level sub-areas were not reasonably related to performing the sample tasks).

For example, the protester contests a weakness assigned under the high-level focus area of "Analyze/Remediate Infrastructure Deficiencies," arguing that the agency mechanically applied an unstated evaluation criterion under the sub-area entitled heating ventilation and air conditioning (HVAC). In this regard, the protester contends it was unreasonable to assess this weakness because HVAC concerns were addressed in a single word under PWS section 4.8.11, Data Center Administration. Protest at 11. In response, the agency essentially argues that the sub-area for HVAC encompassed environmental cooling considerations that were directly related to multiple PWS sections, *i.e.*, 4.11.1, Incidental Facility Design and Modification Services, dealing with utility systems capacity; 4.11.2, Site Surveys, dealing with environmental conditioning; and 4.8.11, Data Center Administration, dealing with HVAC and cooling analysis. MOL at 12-13.

The record shows that in evaluating the protester's response, the agency determined that REV's proposal addressed some concerns related to environmental controls, while failing to provide detail on areas such as the computer room air conditioner, specific temperature of IT closets, and other cooling capacity requirements due to the new EHR implementation. AR, Tab 8, REV Technical Factor Report at 11. Thus, based upon our review of the record, we find that the agency's answer, which consisted of high-level focus areas and related sub-areas, was reasonably related to the requirements in the performance work statement. Additionally, in light of the solicitation requirement that firms provide sufficient detail to allow a complete and accurate evaluation, we find that the agency's evaluation of the merits of REV's proposal was reasonable and consistent with the solicitation.

As stated above, the agency determined that, in numerous areas, REV's response to sample task 1 lacked detail. For example, the agency assigned a weakness to REV's proposal for not providing enough detail in each sub-area (wiring/racks, HVAC, power, and physical security) under the high-level focus area of "Analyze/Remediate Infrastructure Deficiencies." AR, Tab 8, REV Technical Factor Report at 10. For each of these sub-areas, the agency identified elements in which the protester failed to provide sufficient detail and the risk associated with this lack of detail. *Id.* The agency determined that the overall lack of detail in REV's response to sample task 1 demonstrated a "minimally feasible approach" to analyze and remediate the agency's

infrastructure deficiencies. The agency found the lack of detail increased the risk that a VA facility may not have the infrastructure capability required for the end-state IT equipment, which would interrupt delivery of patient care services causing intolerable latency delays or possible shutdowns of IT equipment. AR, Tab 8, REV Technical Factor Report at 11. *Id.*

While REV contends that an offeror could not provide the level of detail the agency wanted without blueprints to a facility and that various aspects of its approach rated as weaknesses should have been considered strengths (Comments at 6-9), its arguments amount to disagreement with the agency's judgment, which does not render the agency's conclusions unreasonable. *Troffholz Techs., Inc.*, B-404101, Jan. 5, 2011, 2011 CPD ¶ 144 at 3-4. Consequently, this protest ground is denied.

Regarding sample task 2, REV argues that the agency unreasonably assigned its proposal several weaknesses. In this regard, REV raised numerous challenges to the agency's assignment of five weaknesses related to sample task 2, including one significant weakness. For example, the protester contends that the agency erred in assigning a significant weakness associated with one of the three major deliverables, *i.e.*, the minimum viable product (MVP) documentation, due to a lack of understanding on how to depict overall software architecture.⁵ RFP at 211; AR, Tab 8, REV Technical Factor Report at 17. REV asserts nothing in the solicitation required an offeror to depict its overall software architecture in any particular way, and REV chose to do so through a combination of text, diagrams, and a publicly facing website/live work product. Protest at 22.

In response, the agency asserts that MVP documentation required offerors to provide architecture/network diagram(s) of the cloud platform, environments, and cloud services used in the development, testing, integration and deployment of the widget claims submission tool (WCST). Specifically, the agency argues that because the RFP required offerors to provide information in an architecture/network diagram, rather than in narrative form, it was reasonable for the evaluators to consider the offeror's diagram and whether it demonstrated an understanding of how to pictorially depict its overall software architecture and the environments necessary to develop and deploy the WCST. The agency further contends that evaluating a diagram, rather than the narrative, was not a case of form over function because sample task 2 was designed as a coding challenge to determine how well an offeror could accomplish a task (*i.e.*, build a website) and that the architecture diagram was critical to assessing whether REV could create the applications necessary to build a website for the task. MOL at 25; COS at 24. Thus, the agency contends that the evaluators reasonably assigned a significant weakness to the architecture/network diagram because it failed to demonstrate either

⁵ Sample task 2 asked offerors for their plan to build an online form submission application. *Id.* at 209. In this regard, offerors were instructed to support the Veteran Widget Production Office's transition of its widget claim form to a new digital self-service process by building a minimum viable product (MVP) application. *Id.*

the overall software architecture or the three environments used to develop and deploy the WCST. *Id.* at 26.

We find that the agency reasonably assigned the protester a significant weakness under sample task 2. The RFP required offerors to provide an architecture/network diagram, rather than a narrative or website/live work product. RFP at 211. In addition, the record shows that the agency recognized that the protester's diagram depicted external network dependencies, cloud platform, and most of the cloud services used. AR, Tab 8, REV Technical Factor Report at 17. Further, the record shows that while the narrative addressed certain required information, the diagram did not clearly depict the three environments (development, quality assurance, and production) used to develop or deploy the WCST. AR, Tab 8, REV Technical Factor Report at 17.

Moreover, under the terms of this solicitation, it is the offeror's responsibility to clearly propose a solution to the sample task. RFP at 122. Even though REV may disagree with the assignment of a significant weakness under sample task 2, the protester provides our Office with no basis to find the agency's evaluation of its proposal to be unreasonable under the circumstances here. Accordingly, we deny this allegation.⁶

As discussed above, we conclude that the agency reasonably awarded REV's proposal an acceptable rating under the most important technical factor, and thus the proposal was lower rated than the other proposals included in the competitive range. Therefore, we do not agree with the protester that the agency's exclusion of the firm's proposal from the second competitive range was unreasonable.

The protest is denied.

Thomas H. Armstrong
General Counsel

⁶ We find REV's challenges to the rating of acceptable assigned to its proposal under the technical factor do not provide a basis to sustain the protest. Protest at 26; Comments at 13. REV asserts that it should have received a rating of good because its proposal received a rating of good for the management subfactor and sample task 1 portion of the sample task subfactor, and a rating of acceptable, under the sample task 2 portion of the sample task subfactor. We disagree.

The record shows that the agency specifically considered whether to assign a rating of acceptable under the technical factor where offerors were assessed a rating of good and a rating of acceptable under the sample task subfactor, and a rating of good under the management subfactor. AR, Tab 10, T4NG On-Ramp Competitive Range Determination Memorandum Step Two at 5. In this respect, in assigning ratings, the agency concluded that "it was clear that in reviewing the detailed findings of these [o]fferors, they presented a higher degree of risk in the Sample Task responses than those Offerors rated 'Good' or better in the Technical Factor." *Id.* at 5. On this record, we find no basis to question the agency's conclusions.