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# Decision

**Matter of:** Infinity Systems Engineering, LLC

**File:** B-419043

**Date:** November 20, 2020

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Ryan J. Klein, Esq., Sherman & Howard LLC, for the protester.  
Gregory S. Jacobs, Esq., and Erin L. Felix, Esq., Polsinelli PC, for Net-centric Design Professionals, LLC, the intervenor.  
Colonel Patricia S. Wiegman-Lenz, Lieutenant Colonel Christopher Wu, Major Matthew W. Ramage-White, and Daniel S. Vaillant, Esq., Department of the Air Force, for the agency.  
Heather Weiner, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest alleging that agency mechanically applied an undisclosed staffing estimate when evaluating proposals is denied where the record demonstrates that the agency considered the protester's proposed staffing plan and reasonably determined that it did not meet the requirements of the solicitation.

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## DECISION

Infinity Systems Engineering, LLC, a small business located in Colorado Springs, Colorado, protests the award of a contract to Net-centric Design Professionals, LLC, a small business located in Boulder, Colorado, under request for proposals (RFP) No. FA8810-19-R-0002, issued by the Department of the Air Force for support services for the Tools, Applications, and Processing (TAP) Laboratory and the Overhead Persistent Infrared Battlespace Awareness (OBAC) Center. Infinity argues that the agency improperly evaluated its proposal as technically unacceptable based on a mechanical application of an undisclosed staffing estimate.

We deny the protest.

## BACKGROUND

The Air Force issued the RFP, as a small business set-aside, on October 23, 2019, for TAP Lab and OBAC support services. The support services include systems

engineering, administrative security, facilities maintenance, information/cyber defense, and configuration management services for the TAP Lab and OBAC. Memorandum of Law (MOL) at 2; Agency Report (AR) Tab 7, Performance Work Statement (PWS), at 12-13.

The RFP contemplated the award of a single primarily cost-plus-fixed-fee contract, for two years, with three option years.<sup>1</sup> AR, Tab 5, RFP, at 2-20. Award was to be made on a best-value tradeoff basis, considering the following evaluation factors: technical, past performance, and price. AR, Tab 9, RFP, section M, at 2, 4. The technical factor consisted of four subfactors: sample problem response, staffing plan, sustainment of 3rd party capabilities, and intellectual property rights. *Id.* at 4.

The technical factor was significantly more important than past performance, which was more important than cost/price. *Id.* When combined, all evaluation factors other than cost/price, were significantly more important than cost/price. *Id.* Within the technical factor, the sample problem response was significantly more important than each of the other subfactors; the remaining subfactors were equal in weight. *Id.* All technical subfactors were evaluated for capability and risk. *Id.* at 5. An “unacceptable” technical rating for any subfactor rendered a proposal unawardable. *Id.* at 6. The solicitation defined the rating of unacceptable as “[p]roposal does not meet requirements of the solicitation and thus, contains one or more deficiencies and is not awardable.” *Id.* Further, the solicitation defined a deficiency as a “material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.” *Id.* at 5.

As relevant here, regarding the staffing plan subfactor, the RFP advised that the agency would evaluate the extent to which an offeror’s proposed staffing plan “clearly demonstrates its understanding of the PWS requirements.” RFP at 7. The solicitation explained that this includes whether the contractor’s proposed staffing plan “addresses PWS requirements; documents realistic hiring timelines, performance incentives and retention strategies; and describes an appropriate number of [full-time equivalents] FTEs, skill mix, qualifications, and experience for all proposed positions, including subcontractors.” *Id.*

The Air Force received timely proposals from five offerors, including Infinity and Net-centric, by the closing date of November 22, 2019. Contracting Officer’s Statement (COS) at 7; AR, Tab 13, Source Selection Evaluation Board (SSEB) Report, at 9. As relevant to the protest, in evaluating Infinity’s proposal under the staffing plan subfactor, the agency assessed two strengths for employee retention and performance incentives. AR Tab 13, SSEB Report, at 105. Infinity’s proposal, however, also received two deficiencies and two significant weaknesses under this subfactor for requirements

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<sup>1</sup> The solicitation included one fixed-price contract line item number for intellectual property rights. AR, Tab 8, RFP, amend. 0001, at 2-3.

pertaining to TAP lab security and configuration manager clearance. *Id.* at 106-108; AR, Tab 15, Source Selection Decision Document (SSDD), at 25.

With regard to the TAP lab security requirement, the agency assigned a deficiency because it found that Infinity “does not propose an appropriate number of FTEs” to “cover 24/7 365 security to the TAP Lab facility in accordance with the PWS[.]” AR, Tab 13, SSEB Report, at 106. As for the configuration manager clearance requirement, the agency assigned a deficiency because it found that Infinity’s staffing matrix proposed “that the [c]onfiguration [m]anager will maintain a [DELETED] clearance and will be responsible for the PWS requirement 4.2.3, which requires a [sensitive compartmented information] ‘SCI’ clearance level per PWS requirement 4.5.1.3.” *Id.* Based on the deficiencies, the agency rated Infinity’s proposal unacceptable under the staffing plan subfactor and therefore unawardable. AR, Tab 15, SSDD, at 4-5.

On August 12, 2020, the agency notified the protester that award had been made to Net-Centric in the amount of \$80,354,504. AR, Tab 16, Award Notification, at 1. Thereafter, Infinity requested and received a debriefing. AR, Tab 19, Debriefing Minutes, at 1. Infinity then timely filed this protest with our Office.

## DISCUSSION

Infinity challenges the agency’s evaluation of its proposal as unacceptable under the staffing plan subfactor, arguing that the two deficiencies assigned to its proposal under this subfactor were unreasonable. With regard to the first deficiency, the protester contends that the Air Force unreasonably evaluated its staffing level as unacceptable based on a mechanical comparison to an undisclosed government staffing estimate. The protester argues that the Air Force improperly did not give any consideration to the protester’s specific technical approach. As for the second deficiency, regarding the configuration manager security clearance requirement, the protester disagrees with the agency’s interpretation of the solicitation and argues that the evaluation was based on an undisclosed evaluation criterion.

For the reasons discussed below, we find reasonable the agency’s evaluation of the first deficiency. In light of this conclusion and because, as noted above, any one deficiency would result in Infinity’s technical proposal being rated as unacceptable and thus ineligible for award, we need not address the reasonableness of the agency’s assessment of the second deficiency concerning the configuration manager security clearance requirement.<sup>2</sup> See *Olgoonik Logistics, LLC*, B-415569, Jan. 23, 2018, 2018 CPD ¶ 36 at 5 n.3.

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

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<sup>2</sup> Although we do not specifically address all of Infinity’s arguments, we have fully considered all of them and find that none provides a basis on which to sustain the protest.

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. *MicroTechnologies, LLC*, B-413091, B-413091.2, Aug. 11, 2016, 2016 CPD ¶ 219 at 4-5. A protester's disagreement with the agency's judgment in its determination of the relative merit of competing proposals, without more, does not establish that the evaluation was unreasonable. *Veterans Evaluation Servs., Inc. et al.*, B-412940 *et al.*, July 13, 2016, 2016 CPD ¶ 185 at 8-9.

For the staffing plan subfactor, the solicitation provided that the offeror shall "propose its plan for staffing this contract" and that the plan shall "describe how the [o]fferor will recruit talent, incentivize performance, and retain qualified employees." AR, Tab 8, RFP, Section L, at 11. The RFP required that the offeror's plan include a staffing matrix describing "all positions proposed on the contract in support of all requirements in the PWS."<sup>3</sup> *Id.* The solicitation provided that the agency would evaluate the extent to which the offeror's proposed staffing plan "clearly demonstrates its understanding of the PWS requirements." AR, Tab 9, RFP, section M, at 7. The solicitation explained that this included whether the contractor's staffing plan addresses PWS requirements; documents realistic hiring timelines, performance incentives and retention strategies; and describes an appropriate number of FTEs, skill mix, qualifications, and experience for all proposed positions, including subcontractors. *Id.*

As relevant here, PWS paragraph 4.5.2, Physical Security, required that the contractor "maintain physical security systems for the TAP Lab to include a [g]overnment provided access control system and badging system." PWS at 29. The physical security requirement included two separate positions: security guards and badging officer. *Id.* With regard to security guards, the PWS specified that the contractor provide a "24x7, SCI-cleared security guard force for the TAP Lab." PWS ¶ 4.5.2.2. It required that "100% of [the] security guard staff [ ] have and maintain SCI clearances/access" in order to "perform physical and personnel security monitoring services," to include "accessing SCI facilities to conduct routine physical and personnel health security checks and document their activity in daily inspection reports." *Id.*

For the badging officer position, the PWS required that the contractor provide a "secret-cleared identity proofing and badging officer to provide personnel access control support for the TAP Lab." PWS ¶ 4.5.2.5. It required that the badging officer "support the TAP Lab visitor badging from 0730-1600 on weekdays (not including Government holidays when the TAP Lab is typically closed)." *Id.* It explained that the badging officer would "issue temporary badges for short term visitors to the TAP Lab" and "issue permanent badges to authorized personnel and coordinate with the TAP Lab Special

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<sup>3</sup> Specifically, the staffing matrix required the following information for each position proposed: position description and labor category; number of FTEs for the position; whether the position is filled by a prime contractor or subcontractor; qualifications (education and certifications), experience required, security clearance required, staff availability date, and relevant PWS paragraph(s). AR, Tab 8, RFP, section L, at 12.

Security Representatives to have the permanent badges activated for use within the authorized areas of the facility.” *Id.*

Infinity’s proposal identified the following personnel to perform the physical security requirements for PWS paragraph 4.5.2, which included both the security guards and the badging officer positions:

<b>POSITION DESCRIPTION</b>	<b>FTEs</b>	<b>SECURITY CLEARANCE</b>	<b>PWS PARAGRAPH</b>
<u>Security Supervisor</u> – Manage and conduct physical security role at TAP Lab ([DELETED], Security Site Supervisor)	[DELETED]	TS/SCI <sup>4</sup>	4.5.2
<u>Security Guard</u> – Conduct physical security at TAP Lab ([DELETED], Badge Officer)	[DELETED]	TS/SCI	4.5.2
<u>Security Guard</u> - Conduct physical security at TAP Lab ([DELETED], Security Professional)	[DELETED]	TS/SCI	4.5.2

AR, Tab 11, Infinity Tech. Proposal, at 26. Consistent with the staffing approach proposed in its technical proposal, Infinity’s cost proposal offered to fulfill the staffing requirement of PWS paragraph 4.5.2 as follows: Security Supervisor ([DELETED] FTE) at [DELETED] hours per year; Security Guard ([DELETED]-Badge Officer) ([DELETED] FTE) at [DELETED] hours per year; and Security Guard ([DELETED]-Security Professional) ([DELETED] FTEs) at [DELETED] hours per year. AR, Tab 12, Infinity Cost Proposal, at 115.

In evaluating Infinity’s proposal under this requirement, the evaluators concluded that Infinity’s proposed staffing approach “contained a material failure that does not meet the requirements of the Government.” AR, Tab 13, SSEB Report, at 106. The evaluators assessed a deficiency because Infinity’s proposal “does not propose an appropriate number of FTEs at one position.” *Id.* The agency found that Infinity proposed “[DELETED] [FTEs] (including the Security Supervisor and excluding the badging officer since the badging officer has different responsibilities) . . . to cover 24/7 365 security to the TAP Lab facility in accordance with the PWS, page 29, para 4.5.2.2” which states that the contractor “shall provide 24/7, SCI-cleared security guards force for the TAP Lab.” *Id.* The agency determined that the offeror “cannot provide 24/7 365 support for

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<sup>4</sup> TS/SCI means top secret/sensitive compartmented information.

the TAP Lab with only [DELETED] security FTEs (including supervisor) due to lack of manpower to cover the requisite hours in a year.” *Id.* The agency explained that, for the security guard position “in order to provide 24/7 365 support,” a “minimum of 4.21 FTEs would be required to successfully meet the requirement.”<sup>5</sup> *Id.* The agency further noted that the 4.21 FTEs for the security guard position “does not include the badging officer” position which requires “a secret-cleared identity proofing and badging [individual] to provide personnel access control support for the TAP Lab[.]” *Id.*

The evaluators determined that the failure of Infinity’s proposal to offer sufficient FTEs for the security guard position had “a potential to disrupt schedule and performance by not placing enough qualified personnel into a position.” *Id.* They noted that the “lack of security personnel might affect the contract by not having a secured facility 24/7 which could affect the contract by potentially increasing the availability of the government having its technology stolen by not just civilians but other countries.” *Id.* The agency found that the protester’s approach “demonstrates [a] lack of understanding of the PWS requirements and the appropriate number of FTEs for all proposed positions[.]” Accordingly, although the evaluators found that the “remainder of proposed positions demonstrate an adequate understanding of the FTEs required for the successful performance of the contract,” they concluded that Infinity’s “proposed approach contained a flaw that appreciably increases the risk of unsuccessful contract performance” and assessed a deficiency to its proposal for this reason. *Id.* at 106, 108.

In response to the protest, the agency further explains that it found the protester’s proposal inadequate to meet the minimum PWS requirements because Infinity’s proposal “failed to provide a separate FTE for a badging officer,” and also “failed to identify another position that would meet security guard requirements.” MOL at 11-12. Instead, the agency states that Infinity proposed to have its badging officer “dual-hatted” and “simultaneously perform duties under both 4.5.2.2 and 4.5.2.5.” *Id.* The agency asserts that this approach is “inadequate to meet [the] minimum PWS requirements because when the badging officer is performing the required PWS Paragraph 4.5.2.5 responsibilities, there are only [DELETED] FTEs remaining for the 24x7 security requirement.” *Id.*

As the contracting officer further explains in response to the protest, as part of access control, the badging officer is responsible for monitoring the entry portal to the TAP Lab to ensure no unauthorized persons enter the facility. COS at 15 (citing PWS ¶ 4.5.2.5). Additionally, the contracting officer notes that the badging officer must provide continuous support during the workday to open the locked outer portal door for any visitors, answer any questions they may have while in the entry portal, and answer the entry portal telephone when it rings. *Id.* The badging officer is also responsible for

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<sup>5</sup> Specifically, the agency explained its reasoning behind its estimate as follows: “1 guard working 24/7 will work approximately a total of 8760 [hours]. Dividing this by 2080 (average hours worked per year) totals to a minimum requirement of 4.21 FTEs.” AR, Tab 13, SSEB Report, at 108.

coordinating entry procedures with the numerous TAP Lab visitors attending regular government meetings. *Id.* (citing PWS ¶¶ 4.1.5.1, 4.1.5.4, 4.1.6.1 and 4.1.6.2) The protester disagrees with the Air Force's evaluation and alleges that the agency unreasonably evaluated its proposed FTE level as a deficiency based on a mechanical comparison to an undisclosed minimum requirement of 4.21 FTEs for the security guard position without giving any consideration to the protester's specific technical approach. Infinity maintains that its staffing plan, which proposed [DELETED] FTEs for the security guard and badging officer positions, demonstrated how it could perform the required work with fewer FTEs than the agency believed were necessary.

An agency may properly rely on its own undisclosed staffing estimate so long as it considers whether the specifics of a particular offeror's approach might justify a deviation from the agency's estimate. *Orion Tech., Inc.; Chenega Integrated Mission Support, LLC*, B-406769 *et al.*, Aug. 22, 2012, 2012 CPD ¶ 268 at 3. Accordingly, a protester must establish that the specifics of its approach resulted in a deviation from the government estimate in order to show that the government acted unreasonably. *Cantu Servs., Inc.*, B-408012, B-408012.2, May 23, 2013, 2013 CPD ¶ 135 at 6.

Here, contrary to the protester's contentions, the record demonstrates that the Air Force considered the specifics of Infinity's staffing plan, including Infinity's approach of proposing a [DELETED] FTE to perform the requirements of the badging officer and security guard positions simultaneously. AR, Tab 13, SSEB Report, at 106. The Air Force concluded however, that the protester's proposal failed to demonstrate how it could meet the RFP's requirements for the security guard position with less staffing than the agency-calculated minimum of 4.21 FTEs. *Id.* For example, although the agency credited Infinity for proposing [DELETED] FTE as a badging officer, and therefore, adequately meeting the badging officer requirement under PWS ¶ 4.5.2.5, the agency determined that the badging officer will not also be able to perform the required security guard duties. In this regard, the agency noted that the badging officer's established duty hours of 7:30 a.m. until 4:00 p.m. each weekday will preclude that person from performing all of the 24/7 security guard duties. In light of this determination, the agency concluded that the remaining [DELETED] FTEs proposed by Infinity for the security guard force was not sufficient to provide the 24/7 security guard duties required by the PWS.

Although the protester contends that Infinity's proposal was sufficient or should have been interpreted differently, it is an offeror's responsibility to submit a well-written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. *Mike Kesler Enters.*, B-401633, Oct. 23, 2009, 2009 CPD ¶ 205 at 2-3. An offeror that does not affirmatively demonstrate the merits of its proposal risks its rejection. *HDL Research Lab, Inc.*, B-294959, Dec. 21, 2004, 2005 CPD ¶ 8 at 5. Based on the record here, we have no basis to question the reasonableness of the agency's evaluation of

Infinity's unsupported staffing approach, and thus the assessment of a deficiency to its proposal on this basis.

The protest is denied.

Thomas H. Armstrong  
General Counsel