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Decision

Matter of: Zolon PCS, LLC

File: B-419283

Date: January 14, 2021

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Sarah T. Zaffina, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's evaluation of the protester's quotation as unacceptable and ineligible for award is denied where the quotation did not show that the candidate for one of the key personnel positions had the specific experience the solicitation identified as required experience 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 would not be competitively prejudiced by any miscalculation of its own quotation, and was not an interested party to challenge the evaluation of the successful vendor's quotation because another acceptable vendor was next in line for award.

DECISION

Zolon PCS, LLC (Zolon), an 8(a) small business located in Ashburn, Virginia, protests the issuance of a task order to S2 Analytical Solutions, LLC (S2), a veteran-owned small business of Herndon, Virginia, under task order quotation request (TOQR) No. 0005, issued by the National Geospatial-Intelligence Agency (NGA) for systems engineering and integration (SE&I) support services.¹ The protester argues that the agency's evaluation of quotations and source selection decision were unreasonable.

¹ Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a), authorizes the Small Business Administration to enter into contracts with government agencies and to

We deny the protest.

BACKGROUND

NGA issued the TOQR on June 2, 2020, under Federal Acquisition Regulation (FAR) subpart 16.5 procedures to existing holders of the NGA Segment Engineering (NSE) indefinite-delivery, indefinite-quantity (IDIQ) multiple-award task order contract.² Contracting Officer's Statement/Memorandum of Law (COS/MOL) at 3; Agency Report (AR), Tab A.4.a, Statement of Work (SOW) at 4.³ The solicitation sought quotations for a full range of SE&I support services.⁴ COS/MOL at 3. The TOQR anticipated issuance of a task order with fixed-price, level-of-effort terms for the labor element, and cost-reimbursement terms for the other direct costs/travel elements, for a 1-year base period and four 1-year option periods.⁵ AR, Tab A.5, TOQR at 1; SOW at 21.

The TOQR established that the task order would be issued on a best-value tradeoff basis considering technical, security and price factors. The agency's requirements were described in an attached SOW. TOQR at 1, 10-11. Vendors were instructed not to "simply rephrase or restate" requirements in their quotations, and the solicitation cautioned that doing so could result in an unfavorable evaluation. *Id.* at 1. The TOQR

arrange for performance through subcontracts with socially and economically disadvantaged small business concerns. Federal Acquisition Regulation (FAR) 19.800. This program is commonly referred to as the 8(a) program.

² NGA is a Department of Defense combat support agency and a member of the intelligence community that develops imagery and map-based intelligence solutions for United States national defense, homeland security, and navigation safety. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 2. NGA's mission is to "provide timely, relevant, and accurate geospatial-intelligence [(GEOINT)] in support of national security." *Id.* NGA manages the National System for Geospatial-Intelligence (NSG), which provides the foundation for correlating intelligence activities to their location on the planet. *Id.*

³ The solicitation was amended four times. References herein to the TOQR are to the last amended solicitation unless otherwise noted. The statement of work (SOW), TOQR attachment L, was amended for the last time in solicitation amendment 3. References to the SOW refer to TOQR amendment 3, unless otherwise noted.

⁴ SE&I is a methodical approach for the design, implementation, management, operation, and retirement of systems and supporting architecture. COS/MOL at 2.

⁵ While the solicitation is identified as a TOQR, various documents in the agency report use the terms quotation and proposal interchangeably. The distinction between the terms has no bearing on our analysis of the issues presented.

directed vendors to “provide convincing rationale to address how the [v]endor intends to meet [the] requirements.” *Id.*

With respect to the technical factor, among other things, vendors were required to submit a key personnel skill matrix on a government-provided spreadsheet; the spreadsheet was organized by key position.⁶ *Id.* at 8; AR, Tab A.1.g, TOQR attach. G, Key Personnel Skill Matrix. Vendors were to furnish specified information for each individual, including their name, education, certification, labor category, skill level, proposed position, years of related professional experience, relevant required experience, and relevant desired experience. AR, Tab A.1.g, TOQR attach. G, Key Personnel Skill Matrix. The matrix also provided detailed instructions for completing the spreadsheet, including the following directions with regard to the required relevant experience.

Provide a brief description of the individual’s job experience related to all the required skills related to the position description they are proposed to. The Offeror has flexibility to describe relevant experience information in the best way that supports their candidate meeting the required skills. Enter the total number of relevant years of experience for the individual in relation to required skills in the position description. The text in this cell shall not exceed a 1500 character maximum with spaces.

Id. at Cell D11.

The TOQR identified nine key personnel positions, and the SOW listed specific qualifications that were required, and others that were desirable, for each position.⁷ Relevant to the protest are the key personnel at Position IDs 02-05-IPA 002

⁶ The technical factor was comprised of five subfactors: (1) agile systems engineering approach; (2) analytic systems engineering approach; (3) analytic governance; (4) key personnel skill matrix; and (5) staffing plan. TOQR at 11. These factors are weighed in descending order of importance. *Id.* Only subfactor 4, key personnel skill matrix, is relevant to this protest.

⁷ There were 42 total positions required under the task order, nine of which were designated for key personnel; each position is designated by a unique identifier or “position ID” (e.g., 02-05-IPA-002). SOW at 23-27. Each position is also associated with one of eleven position descriptions. *Id.* at 32-49. For example, 02-05-IPA-002 is associated with position description 2 and 02-05-IPA-032 is associated with position description 9. *Id.* at 23, 26. This means that the person proposed for 02-05-IPA-002 must meet the requirements for position description 2, Systems Engineer – Sensor Models (Level – Expert 4), and the person proposed for 02-05-IPA-032 must meet the requirements for position description 9, Integration Engineer (Level 3 – Senior). *Id.* at 34, 45.

(Position 2), Systems Engineer – Sensor Models (Level – Expert 4), and 02-05-IPA-032 (Position 32), Integration Engineer (Level 3 – Senior). SOW at 34, 45.

The TOQR provided that a quotation receiving an unacceptable rating for any technical subfactor would not be considered for award. TOQR at 11. Of relevance here, for the key personnel skill matrix subfactor, the agency would evaluate whether the vendor's proposed key personnel satisfy or exceed the required experience for the positions and assign one of the following ratings: far exceeds, exceeds, meets, or unacceptable.⁸ *Id.* at 14-16. Should the agency determine the proposed key personnel “fail to possess or clearly exhibit any of the required skills/experience in the Key Personnel Skill Matrix, the [k]ey [p]ersonnel will be rated as unacceptable”, and the vendor will be ineligible for award. *Id.* at 14-15.

Five NSE contract holders, including both S2 and Zolon submitted quotations AR, Tab C.1.a, Unsuccessful Vendor Notification at 1; AR, Tab D.2.b, Redacted Decision Document at 2-3. The evaluators concluded that the quotations of S2 and another vendor (hereinafter vendor A) were acceptable, while the remaining quotations, including Zolon's, were unacceptable. AR, Tab D.2.b, Redacted Decision Document at 3, 5. Specifically, in evaluating Zolon's quotation, the evaluators determined that the individuals proposed for positions 2 and 32 failed to meet the experience requirements. *Id.* at 4-5. For position 2, the evaluators determined that Zolon's key personnel skill matrix narrative did not reflect required experience with sensor models and mensuration, nor did the narrative demonstrate “expert-level experience using tools and processes to assess software complexity, modularity, and refactoring.”⁹ *Id.* at 4. With respect to position 32, Zolon's proposed individual did not demonstrate “senior level experience leading multi-system integration efforts through requirements definition, development, testing and transition.” *Id.* at 4-5.

NGA's decision authority reviewed the evaluators' consensus findings and concurred with the evaluation of Zolon's quotation as unacceptable. *Id.* at 3, 5. The decision authority then conducted a comparative analysis of the quotations of vendor A and S2 and determined that while both vendors submitted superior quotations, vendor A's quotation provided a distinct advantage over S2's quotation. *Id.* at 7-8. Both eligible vendors received a pass rating for the security factor. NGA determined that all the vendors' price quotations were complete, fair, and reasonable. *Id.* at 8.

The decision authority conducted a best value tradeoff analysis between the quotations of vendor A and S2, which were the only quotations eligible for award. *Id.* at 8-9. While

⁸ The agency would also evaluate (on a pass/fail basis) whether the key personnel skill matrix included documentation that the proposed key personnel were prepared to start work during the task order transition period. TOQR at 14. Vendors failing to include such documentation in their quotations would be rated unacceptable. *Id.* at 15-16.

⁹ Mensuration is the branch of geometry that deals with the measurement of length, area, or volume. See Comments at 4 n.1 (citation omitted).

the decision authority considered vendor A's quotation to have a demonstrable technical advantage over S2's, this advantage came with a price premium. *Id.* at 8. The decision authority found that the technical merits of vendor A's quotation did not justify the associated price premium and that S2's quotation provided the best value to the government. *Id.* at 9.

On September 10, NGA notified Zolon that the agency had selected S2 for the task order, which was valued at \$43.6 million. AR, Tab C.1.a, Unsuccessful Vendor Notification at 1. The same day Zolon requested a debriefing, which NGA provided on September 21. AR, Tab D.2, Debriefing Letter. The debriefing included, among other things, a redacted copy of the NGA's decision document and technical evaluation report. *Id.* Zolon requested additional information from NGA, and the agency responded on October 2. AR, Tab D.4.a, Resp. to Debriefing Questions. This protest followed.¹⁰

DISCUSSION

Zolon argues that the agency's evaluation of its quotation was unreasonable and inconsistent with the terms of the solicitation. Protest at 3-4. Specifically, Zolon contends its key personnel matrix resume narratives for Positions 2 and 32 met or exceed the TOQR position requirements, and thus its quotation should not have received an unacceptable rating. *Id.* In response, the agency maintains that it reasonably concluded that Zolon's key personnel matrix did not adequately demonstrate that Zolon's proposed key personnel met the solicitation's requirements. COS/MOL at 15-20. While this decision does not directly address all of the protester's arguments, we have considered all of Zolon's arguments and find that none of them provide a basis for sustaining this protest.

In reviewing protests challenging an agency's evaluation of quotations, including those procurements conducted pursuant to task order competitions in accordance with FAR subpart 16.5, our Office does not reevaluate quotations; rather, we review the record to determine whether the evaluation was reasonable and consistent with the solicitation's evaluation criteria as well as applicable procurement laws and regulations. *Wyle Labs., Inc.*, B-416528.2, Jan. 11, 2019, 2019 CPD ¶ 19 at 4. A protester's disagreement with the agency's judgment regarding the evaluation of proposals or quotations, without more, is not sufficient to establish that the agency acted unreasonably. *22nd Century Techs., Inc.*, B-417478.3, B-417478.4, Feb. 24, 2020, 2020 CPD ¶ 74 at 5. As explained below, we find that NGA's evaluation here was reasonable and that the record supports the agency's conclusion that Zolon's quotation was unacceptable and ineligible for award.

¹⁰ Because the value of the contracting action at issue exceeds \$25 million, the protest is within our jurisdiction to hear protests of task order awards under multiple-award IDIQ contracts established within the Department of Defense. 10 U.S.C. § 2304c(e)(1)(B).

Zolon contends that the record shows that NGA's evaluation of Zolon's proposed key personnel for Positions 2 and 32 was unreasonable. Zolon primarily argues that its matrix narrative expressed the relevant experience in sufficient detail to demonstrate that the proposed individuals met the requirements and warranted at least a "meets" rating.¹¹ Protest at 3-4, Comments at 4-12. Zolon asserts "that the protest dispute is not about the relevant merits, strengths, or significant strengths of [its] proposed candidate" but whether the candidate met or did not meet the minimum requirement based on the narrative Zolon provided in the matrix. Comments at 5.

With respect to Position 2, Systems Engineer – Sensor Models (Level – Expert 4), there were four required skills/experience. SOW at 36. Of relevance here, the SOW required: "[d]emonstrated experience with sensor models and mensuration services." *Id.* For Position 2, Zolon's matrix narrative specifically stated "[w]orked with sensor models and mensuration services." This statement was followed by descriptions of work performed by the proposed individual. AR, Tab B.1.c, Zolon Key Personnel Skill Matrix at Cells D9, D10, D16, D20, D21, D24, and D26. As an example, in cell D10, Zolon's narrative restated the required experience with sensor models and mensuration services and then provided the following description of the candidate's 11 months of experience in a position as a Senior Systems Engineer 5:

System Engineering Technical Assistant (SETA) providing technical consultation in the application of current constellation, orbits, tasking, and sensor scheduling capabilities. Collaborate with Government program office personnel and development contractors, regarding system engineering and acquisitions functions. Establish familiarity with Service Oriented Architecture (SOA), Application Service Provider (ASP), and Infrastructure Service Provider (ISP) services. Coordinate meetings, program reviews, and briefings; identify and report on issues, related problems and potential risks; recommend risk mitigation actions. Devised Integrated Master Schedule (IMS) schedule depicting 10 separate ground systems; ensuring acquisitions were fully coordinated and concisely represented. Devised projects' Risk, Issue and Opportunity management procedures; ensured co-ordination of information across 12 Integrated Product Teams (IPTs), agency and mission partner offices. Performed review, assessment, and provided recommendations to support implementation of enabling systems in support of future architecture.

Id. at D10.

NGA determined that Zolon's quotation did not demonstrate the candidate had the required skill because the narrative did not adequately detail the candidate's experience and did not support the statement that he had worked with both sensor models and

¹¹ The meets rating is described as "proposed [k]ey [p]ersonnel meet all of the required skills/experiences[.]" TOQR at 15.

mensuration services. Redacted Decision Document at 4. Specifically, the evaluators found that:

The Resume spreadsheet narratives do not reflect this experience. Examples: resume indicates an 11 month job followed by a 7 month job as a scheduler to demonstrate this experience. Also listed is a job as a program analyst - also does not demonstrate experience with sensor models and mensuration services. Same with the experience as a Senior Imagery Intelligence Tech - the job details imagery analysis, but no experience with sensor models or mensuration - especially from an engineering perspective.

Id. In its response to Zolon's debriefing questions, NGA explained that during the evaluation, the evaluators focused on the sentences following the statement that the candidate worked with sensor models and mensuration services to determine whether the job experience supported the statement. *Id.* The agency further explained the narratives provided did not show any experience with sensor models and mensuration services.¹² *Id.* at 3-4.

While Zolon argues that its narrative statements sufficiently demonstrate that its candidate has the required experience, we disagree. The TOQR provided that NGA would evaluate the narrative to determine whether it demonstrated the required experience for the position. The TOQR cautioned vendors not to simply restate the requirements. Zolon restated the required experience for sensor modeling and mensuration services in its matrix, and the only reference to mensuration services in its narrative was the restated requirement. Regarding the sensor modeling, the agency determined that the description provided did not support the statement of experience. The agency concluded that a restatement of the requirements without a job description that reflected the experience was not adequate to demonstrate that the proposed individual had the required experience. We are not persuaded that such a conclusion was unreasonable. See *Consummate Computer Consultants Sys., LLC*, B-410566.2, June 8, 2015, 2015 CPD ¶ 176 at 5 (where solicitation required quotations to demonstrate key personnel had required experience, mere restatement of the requirements was insufficient).

¹² We note that from our review of the record it appears Zolon may have misunderstood the requirement because in its debriefing questions, Zolon asked NGA to "confirm that SOW requirement, page 36, 3rd bullet is a requirement for candidates to have 'Demonstrated experience with sensor models or mensuration services.'" AR, Tab D.4.a, Resp. to Debriefing Questions at 3 (emphasis added). NGA notified Zolon that the quotation in Zolon's question was "[n]ot verbatim" what the SOW required. *Id.* Furthermore, in a follow-up question, Zolon asked NGA to confirm that vendors "were NOT required to address specific types of sensor models and/or mensuration services. *Id.* (emphasis added).

In its comments responding to the agency report, the protester argues that its narrative is not merely a restatement of the required experience, but rather that its descriptions meet the minimum requirements of the TOQR. Comments at 6-8. The protester further argues that the position description did not require narratives demonstrating experience with specific sensor models or identifying specific jobs and that TOQR requirements are general. *Id.* at 5-6.

The protester's arguments are based on an assumption that the agency should be required to draw broad inferences from the narratives provided to conclude that the TOQR requirements were met. We disagree. It is a vendor's responsibility to submit an adequately written quotation that establishes its technical capability and the merits of its proposed approach, and allows for a meaningful review by the procuring agency in accordance with the evaluation terms of the solicitation. *Consummate Computer Consultants Sys., LLC, supra* at 6. Further, where a quotation omits, inadequately addresses, or fails to clearly convey required information, the vendor runs the risk of an adverse agency evaluation. *Diversified Services Group, Inc., B-418375.2, May 28, 2020, 2020 CPD ¶ 207* at 4. Here, while the narrative restated the required experience, descriptions of the accompanying work did not clearly demonstrate that the proposed key person had the experience required. As such, we find no basis upon which to conclude that the agency was unreasonable in finding that Zolon failed to demonstrate that its key personnel met the requirements of the TOQR. Accordingly, we deny the protester's challenge to this aspect of its technical evaluation.

The protester also challenges other findings by the agency pertaining to the acceptability of proposed key personnel. We need not reach the protester's allegations in this regard, however, because we find reasonable the agency's decision to reject the protester's quotation based on its failure to meet the TOQR's requirements for key personnel Position 2's experience with sensor models and mensuration services. Even if Zolon could show that NGA's evaluation of other aspects of Position 2 and Position 32 was unreasonable, this would not establish that its quotation was improperly 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. *Technatomy Corp., B-411583, Sept. 4, 2015, 2015 CPD ¶ 282* at 7.

Zolon is also not an interested party to challenge NGA's evaluation of S2's quotation. 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 quotation only where there is a reasonable possibility that the protester's quotation would be in line for award if the protest were to be sustained. *Verisys Corp., B-413204.5 et al., Oct. 2, 2017, 2017 CPD ¶ 338* at 13 (where the agency reasonably concluded that the protester's quotation was technically unacceptable, the protester was not an interested party to raise additional challenges). Where there is an acceptable offeror that would be in line for the award ahead of the protester 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. *SRA Int'l, Inc.; NTT DATA Servs. Fed. Gov't, Inc.*, B-413220.4 *et al.*, 2017 CPD ¶ 173 at 28. Based on our conclusion that NGA reasonably found Zolon's quotation technically unacceptable, we also conclude that Zolon is not an interested party to raise these other challenges because it would not be in line for contract award were its protest to be sustained.

The protest is denied.

Thomas H. Armstrong
General Counsel