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# Decision

**Matter of:** Anduril Industries, Inc.

**File:** B-419420

**Date:** February 22, 2021

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Tyler Evans, Esq., and Carl Wiersum, Esq., Covington & Burling, LLP, for the protester. Colonel Patricia S. Wiegman-Lenz, Major Alissa J. K. Schrider, and Steven Sollinger, Esq., Department of the Air Force, for the agency. Raymond Richards, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

1. Protest that task order solicitation for tactical edge node support exceeds the scope of the underlying multiple-award indefinite-delivery, indefinite-quantity contracts is denied where the record shows that the requirement was reasonably encompassed within the contract's scope of work.
  2. GAO lacks jurisdiction to consider a protest alleging that the terms of a task order solicitation are unduly restrictive of competition where the solicitation is issued under Department of Defense indefinite-delivery, indefinite-quantity contracts, and the value of the proposed task order award is less than \$25 million.
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## DECISION

Anduril Industries, Inc., of Irvine, California, protests the terms of fair opportunity proposal request (FOPR) No. FA8612-21-R-0601, issued by the Department of the Air Force, for tactical edge node support. The protester argues that the terms of the solicitation improperly exceed the scope of the underlying indefinite-delivery, indefinite-quantity (IDIQ) contracts, and that the terms are unduly restrictive of competition.

We deny the protest.

## BACKGROUND

On February 28, 2020, the Air Force issued broad agency announcement (BAA) No. BAA-AFLCMC\_CAIO-2020-0001-001 pursuant to Federal Acquisition Regulation (FAR) section 6.102(d)(2), other competitive procedures, to select firms for the award of

IDIQ contracts for the agency's advanced battle management systems (ABMS) program. Agency Report (AR), Tab 5, ABMS-BAA at 1. The BAA sought solutions "to address problems associated with getting the right information to the right platform/decision maker in the most efficient manner[.]" AR, Tab 6, BAA Amend. 001 at 1.

Relevant to this protest, the BAA stated the following:

[T]he U.S. Air Force needs to develop, acquire and operate systems as a unified force across all domains (air, land, sea, space, cyber, and electromagnetic spectrum (EMS)). . . . To manage the broad scope of ABMS, technical categories have been defined to organize concepts, technologies, etc. based upon their roles within the ABMS construct. This organization is not intended [to] encourage a solution that spans all categories or to limit solutions to one category. Proposals are desired with small feature sets focused in one area but may span multiple categories when reasonable.

*Id.* at 2. The BAA organized its requirements into seven categories, numbered as follows: (0) digital architecture, standards and concepts; (1) sensor integration; (2) data; (3) secure processing; (4) connectivity; (5) applications; and (6) effects integration. *Id.* at 3-4. Offerors could submit proposals for one or more technical categories. *Id.* at 4, 7. The Air Force explained that it intended to establish a pool of firms under each technical category. AR, Tab 11, Frequently Asked Questions (FAQs) at Question 18. To be eligible to compete for task orders, offerors would need to hold an ABMS IDIQ contract that included the technical category under which the prospective task order solicitation was to be issued. *Id.*, Tab 7, BAA attach. ABMS Model IDIQ Contract at 82.

On May 29, Anduril responded to the BAA, proposing solutions for category 0, digital architecture, standards and concepts; category 4, connectivity; category 5, applications; and category 6, effects integration. AR, Tab 9, Anduril Proposal at 3-14. On September 23, the Air Force awarded Anduril an ABMS IDIQ contract which included each of these categories. *Id.*, Tab 10, Anduril IDIQ Contract at 4. The contract has a 5-year base period with five 1-year option periods, and a maximum value of \$950 million. *Id.* The contract included a statement of work, which set forth each of the seven ABMS categories and category descriptions. *Id.* at 79-80.

On November 5, the Air Force issued the FOPR for tactical edge node support pursuant to the procedures of FAR subpart 16.5, to holders of ABMS IDIQ contracts containing ABMS category 3, secure processing. AR, Tab 15, FOPR at 1, 3.<sup>1</sup> The FOPR contemplated the award of one or more fixed-price task orders. *Id.* at 3. The FOPR advised that the task order solicitation would be a two-step process. *Id.* at 4. In step

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<sup>1</sup> Citations to the FOPR reference the Adobe PDF page numbers of the document labeled as Tab 15 of the agency report.

one, the agency would solicit a written response to the FOPR's statement of objectives which was due by 12:00 p.m. Eastern Time, on November 16. *Id.* In step two, the agency sought submission of written proposals along with a demonstration and oral presentations. *Id.* The estimated value of the task order is less than \$25 million. Req. for Dismissal, attach. 1, IGCE. On November 16, Anduril filed this protest with our Office.<sup>2</sup>

## DISCUSSION

Anduril raises two grounds of protest. First, Anduril argues that the FOPR impermissibly deviates from and exceeds the scope of the underlying ABMS IDIQ contracts by limiting competition to those firms holding ABMS IDIQ contracts containing ABMS category 3, secure processing. Protest at 7-10; Comments at 2-7. The protester argues that the FOPR primarily involves the connectivity features and requirements of category 4, and therefore, the agency is expanding the scope of category 3, secure processing. *Id.* Second, Anduril argues that limiting the FOPR to category 3 secure processing solutions is unduly restrictive of competition because it excludes category 4 connectivity solutions. Protest at 10.

The Air Force argues that the protest should be denied because the agency reasonably determined that the FOPR for tactical edge node support falls within the ABMS program's secure processing category, and thus the agency appropriately limited the competition to ABMS IDIQ holders eligible to provide category 3 secure processing solutions.<sup>3</sup> Memorandum of Law (MOL) at 7, 9-12. The agency further explains that

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<sup>2</sup> Anduril filed its protest in the Electronic Protest Docketing System (Dkt.) on November 15, 2020, at 6:09 p.m. Eastern Time. Dkt. No. 1. Our Bid Protest Regulations state that a document is filed on a particular day when it is received in the Electronic Protest Docketing System by 5:30 p.m. Eastern Time. 4 C.F.R. § 21.0(g). As Anduril's protest was filed after 5:30 p.m. on November 15, we consider it to be filed on November 16.

<sup>3</sup> The Air Force initially requested dismissal of the protest, arguing that our Office lacks jurisdiction over the entire matter because the protest contests the proposed issuance of a task order under a Department of Defense IDIQ contract, the value of the contemplated task order is less than \$25 million, and the challenge does not allege that the contemplated task order increases the scope, period, or maximum value of the underlying IDIQ contract. Req. for Dismissal at 1-4 (*citing* 10 U.S.C. § 2304c(e); FAR 16.505(a)(10)). According to the agency, Anduril agrees that the services set forth in the FOPR are within the overall scope of the underlying IDIQ contract and is simply arguing that the services should have been classified as falling within category 4, connectivity, instead of category 3, secure processing. We declined to dismiss because the protester has argued that the FOPR seeks services that are outside the scope of the ABMS IDIQ contract--in this case, outside the scope of the contract for category 3, connectivity. *See Global Dynamics, LLC*, B-417776, Oct. 23, 2019, 2019 CPD ¶ 366 at 3 (denying a protest alleging task order proposal is outside the scope of an IDIQ

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offerors were advised to submit proposals for each ABMS category in which they desired to compete for future opportunities and Anduril did not submit a proposal for category 3, secure processing. *Id.* at 2, 4 (citing BAA Amend. 001 at 7).

Under the Federal Acquisition and Streamlining Act of 1994, as modified by the National Defense Authorization Act of Fiscal Year 2017, our Office is authorized to hear protests of task orders, or the proposed issuance of task orders, that are issued under IDIQ contracts established within the Department of Defense,<sup>4</sup> where the task order is valued in excess of \$25 million, or where the protester asserts that the task order increases the scope, period, or maximum value of the contract under which the task order is issued. 10 U.S.C. § 2304c(e); 4 C.F.R. § 21.5(l). Task orders that are outside the scope of the underlying IDIQ contract are subject to the statutory requirement for full and open competition set forth in the Competition in Contracting Act of 1984, absent a valid determination that the work is appropriate for procurement on a sole-source basis or with limited competition. 10 U.S.C. § 2305(a)(1)(A); *Global Dynamics, LLC, supra*.

Where a protester alleges that the proposed issuance of a task order under an IDIQ contract is beyond the scope of the contract, we analyze the protest in essentially the same manner as those in which the protester argues that a contract modification is outside the scope of the underlying contract. *The MayaTech Corp.*, B-419313, Nov. 9, 2020, 2020 CPD ¶ 366 at 4; *Global Dynamics, LLC, supra*. In determining whether a proposed task order is outside the scope of the underlying contract, our Office examines whether the proposed order is materially different from the original contract, as reasonably interpreted. *Id.*

To determine whether such a material difference exists, GAO reviews the circumstances attending the procurement; we examine any changes in the type of work, performance period, and costs between the contract as awarded and as modified by the proposed task order; and we consider whether the original contract solicitation adequately advised offerors of the potential for the type of task order to be issued. *Id.* In other words, the inquiry is whether the order is one which potential offerors would have reasonably anticipated. *Id.* Where there is a logical connection between a broad scope of work in an IDIQ contract and the services to be procured under a subsequent

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contract because it procures services from two of four categories set forth in the IDIQ contract instead of only one category).

<sup>4</sup> We note that our authority to consider protests of task or delivery orders issued under IDIQ contracts is based on the agency that established the IDIQ contract. *Alliance Tech. Grp., LLC*, B-418558, June 16, 2020, 2020 CPD ¶ 198 at 6 n.5. Here, the Air Force--an agency of the Department of Defense--established the underlying IDIQ contracts, so the task order solicitation here is governed by the procedures of Title 10 of the United States Code. 10 U.S.C. § 2304c(e); *id.* § 2304(a)(a); *id.* § 2302(a); AR, Tab 5, ABMS-BAA at 1.

task order, potential offerors are on notice that such logically connected services are within the scope of the IDIQ contract. *C3.ai, Inc.*, B-418676, July 28, 2020, 2020 CPD ¶ 256 at 13.

Anduril's ABMS IDIQ contract includes a statement of work which explains that the ABMS will support future operations by providing critical surveillance, tactical edge communications, processing, networking, and battle management command control capabilities to the joint warfighting force. AR, Tab 10, Anduril IDIQ Contract at 79. Like the BAA, the ABMS IDIQ contract includes the seven categories under which task orders can be issued. *Id.* The contract defines the categories relevant to this protest as follows:

#### Category 3 - Secure Processing

Secure Processing will leverage the Enterprise Information Technology as a Service (EITaaS) work at the unclassified and secret level to [] expand this capability to all levels of security. A key feature of secure processing will be to develop a multi-level security (MLS) technology set that enables moving up and down in security level where feasible no matter the hardware device, transportation method, or environment. Lastly secure processing encompasses providing deployment, training, and support services for all these capabilities worldwide. . . .

#### Category 4 -- Connectivity

Development and fielding of networks to enable the timely processing and dissemination of data from any sensor to users at the tactical edge and/or strategic levels. Assets in any domain may be platforms-of-opportunity to serve as communications nodes enabled by omnidirectional, bidirectional, and directional line-of-sight (LOS), and beyond-line-of-sight (BLOS) capabilities. Attributes of interest include but are not limited to: increased data rates, reduced latency, improved anti-jam, Low Probability of Intercept/Low Probability of Detect characteristics, scalability of nodes/connections, and improved integration of dissimilar users, etc. . . .

*Id.* at 80.

The BAA's definition of these categories was almost identical to the definitions in the IDIQ contract. BAA Amend. 001 at 3-4. In addition, the Air Force held an industry day on May 13, 2020, several days before Anduril submitted its proposal in response to the BAA, where the agency provided prospective offerors with additional information on the ABMS program and the BAA. See AR, Tab 8, ABMS Industry Day Charts. During the ABMS industry day, the agency described the intent of category 3, secure processing, of the ABMS program as being a way to "[e]nable ABMS networks, applications and decision support systems to intelligently and securely connect, process and manage disparate data and information flows at the speed of need[.]" *Id.* at 31. The industry day slides stated that the attributes of category 3, security processing, included: globally available cloud environment, ABMS storefront of applications and services,

agile capability to process and share data, and cutting-edge secure mobile access devices. *Id.* at 33. The slides showed several items the agency categorized as “product lines” that were considered part of category 3, secure processing, which included assistONE and edgeONE. *Id.* at 32.

In addition, the industry day slides for category 4, connectivity, stated that ABMS “can be thought of as deploying the military internet of things or battle network that enables all the Air and Space Force (and the joint force) to connect” in a timely manner. *Id.* at 37. The slides explain that connectivity is organized by several product lines-- RadioONE, ApertureONE, MeshONE, GatewayONE, CommercialONE, NationalONE, and link16e. *Id.* In addition, the slides state that connectivity will allow existing capabilities to communicate with each other and the overall network. *Id.*

As noted, the agency issued the FOPR to awardees of ABMS IDIQ contracts whose awards included category 3, secure processing. FOPR at 1. The FOPR states that the ABMS assistOne and edgeONE product lines are focused on solutions that can provide enterprise level information technology capabilities at the tactical edge. *Id.* at 15. The FOPR explains that a “solution would include a tactical compute and store edge node along with Software Defined Wide Area Networking (SD-WAN)” that could deliver a highly portable communications system that can operate in austere and network degraded environments. *Id.* The SD-WAN technology and tactical edge node, as a single platform, would utilize air and space methods to provide connectivity to the cloud and Internet Protocol connected platforms across the globe. *Id.* The FOPR further provides that the tactical edge node “will have the ability to be scalable and utilized on various mission platforms (ground, plane, ship, etc.) and allow military members to process, send, and receive data over any available transport method.” *Id.* The FOPR explains that the tactical edge technology must “be capable of hosting various applications and processing large data sets in connected and disconnected operational states.” *Id.* at 16.

Anduril argues that the FOPR focuses on establishing reliable connections between network nodes in an edge field environment and using SD-WAN to facilitate the connections; in essence, the FOPR focuses on the transmission of data. Comments at 2-3; 6-7. Anduril argues that the FOPR therefore aligns with ABMS IDIQ category 4, connectivity, which involves technologies that serve as communications nodes to help transport data. *Id.* Anduril argues the FOPR does not align with and is outside the scope of category 3, secure processing, which covers secure technologies and the processing of data. *Id.* Anduril further argues that while the agency’s industry day slides refer to certain product lines when discussing the various BAA categories (e.g., edgeONE for category 3, secure processing), the FOPR only references these product lines once with no further explanation of the relevance.<sup>5</sup> Comments at 4.

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<sup>5</sup> Anduril also argues that the industry day materials cannot be used to establish the scope of the IDIQ solicitation or the ABMS IDIQ contracts because these slides were not part of the IDIQ solicitation or awards. Comments at 4-5. As noted, in determining  
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The agency explains that category 3, secure processing, is primarily focused on technological solutions that allow for the secure processing of information and data, while category 4, connectivity, focuses on solutions that allow for the movement and connection of information and data. COS at 5. In addition, the agency explains that the ABMS IDIQ contracts recognize that there may be relationships between the technical categories. *Id.* The Air Force states that to some extent, some overlap between secure processing solutions and connectivity solutions is expected because a technical solution that allows for the processing of information, by its nature, must also be able to securely transport that information and securely connect with other networks. MOL at 11.

However, the agency concludes that the FOPR at issue here most closely aligns with category 3, secure processing. The agency states that the primary purpose of the tactical edge node platform and SD-WAN technology is to allow military members to securely process information in any communications environment. COS at 8. Further, the agency states that the FOPR aligns with the following category 3, secure processing, product lines: (1) the edgeONE product line which focuses on establishing the local processing of data and applications in a degraded network state (reduced bandwidth), and (2) the assistONE product line which focuses on the rapid deployment and configuration for secure processing and user devices. *Id.* at 9. The agency identified these product lines with category 3, secure processing, in the industry day slides. *Id.*

We see no basis to find unreasonable the agency's conclusion that category 3, secure processing, as set forth in the BAA and the resulting ABMS IDIQ contracts, best encompasses the services requested by the FOPR. The FOPR seeks a technology solution that includes a tactical node to function as a highly portable communication system to allow military members to process, send and receive data over any available transport method. FOPR at 15. The solution will use SD-WAN technologies to allow centralized execution of security policies. *Id.* The solution also will process large data sets in a connected and disconnected environment. *Id.* at 16. Further, the stated purpose of the FOPR is for the ABMS assistOne and edgeONE product lines, and the interoperability with other product lines. *Id.* at 15; *see also id.* at 5. Therefore, the FOPR's tactical edge node support requirement is logically connected with the broad scope of work described in the ABMS program's secure processing category.

In addition, we find that not only has Anduril failed to show that the terms of the FOPR have impermissibly expanded the scope of the underlying IDIQ contracts, but Anduril's

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whether a proposed task order is outside the scope of the underlying contract, our Office reviews the circumstances attending the procurement and whether the order is one which potential offerors would have reasonably anticipated. *The MayaTech Corp., supra; Global Dynamics, LLC, supra.* Accordingly, publicly available industry day slides issued prior to the submission of proposals that discuss the ABMS BAA and the specific categories of the BAA are helpful to our analysis, even if not dispositive.

own arguments suggest that firms eligible to propose secure processing solutions should be eligible to respond to the FOPR. See Protest at 7 (“the Air Force should expand the FOPR to also accept proposals from IDIQ holders that are authorized to offer Connectivity solutions”); *id.* at 9 (“offerors would not have expected the Air Force to only seek proposals for Secure Processing solutions under [a] FOPR that primarily describes Connectivity features”). Accordingly, Anduril’s argument that the FOPR here exceeds the scope of the underlying IDIQ contracts is denied.

Anduril also argues that the agency’s decision to limit participation in this competition to only those ABMS IDIQ contract holders eligible to propose secure processing solutions is unduly restrictive of competition. Protest at 10; Comments at 7. However, our Office lacks jurisdiction to consider this challenge. As discussed above, our Office is authorized to hear protests of task order solicitations issued under Department of Defense IDIQ contracts when the proposed task order is valued in excess of \$25 million, or where the protester asserts that the proposed task order increases the scope, period, or maximum value of the contract under which the order is to be issued. 10 U.S.C. § 2304c(e); FAR 16.505(a)(10); *Global Dynamics, LLC, supra* at 4.

Here, Anduril has not disputed the agency’s assertion that the estimated value of this task order is less than \$25 million. Req. for Dismissal, attach. 1, IGCE. In addition, Anduril’s challenge that the terms of the FOPR are unduly restrictive of competition is not an allegation that the proposed FOPR increases the scope, period, or maximum value of the contract under which it is to be issued. As a result, our Office lacks jurisdiction to hear this dispute, and this ground of protest is dismissed.

The protest is denied.

Thomas H. Armstrong  
General Counsel