

# Decision

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**Matter of:** XL Associates, Inc.

**File:** B-420078; B-420078.2

**Date:** November 19, 2021

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## DIGEST

Protest challenging the agency's evaluation of quotations is denied where the evaluation was reasonable and consistent with the terms of the solicitation and stated evaluation criteria.

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## DECISION

XL Associates, Inc. (XLA), of Vienna, Virginia, protests the issuance of a task order to Public Consulting Group (PCG), of Boston, Massachusetts, under request for quotations (RFQ) No. 88310321Q00075, issued by the National Archives and Records Administration (NARA), for independent verification and validation (IV&V) and configuration management services. XLA, which is the incumbent contractor for the requirement, argues that the agency's evaluation of quotations and source selection decision were unreasonable.

We deny the protest.

## BACKGROUND

Using the Federal Supply Schedule (FSS) procedures of Federal Acquisition Regulation (FAR) subpart 8.4, NARA issued the solicitation on May 4, 2021, to vendors holding contracts under the General Services Administration's (GSA) multiple award schedules program, for FSS 70, Information Technology Professional Services. Agency Report

(AR), Tab 6, RFQ at 85.<sup>1</sup> The RFQ seeks software testing and configuration management, such as: manual software testing, software test automation, performance testing, database testing, and configuration management support. *Id.* at 52.

The solicitation anticipated issuance of a time-and-materials task order for a base year with four 12-month options. *Id.* at 95-96. Award was to be made on a best-value tradeoff basis considering the following evaluation factors: demonstrated prior experience of the prime contractor, capability of proposed key personnel, virtual oral presentation, and price. *Id.* at 131-132. The demonstrated prior experience factor and key personnel factor were of equal importance and, when combined, were more important than the oral presentation factor. *Id.* at 131. All three non-price factors, when combined, were more important than price. *Id.*

The evaluation was to be conducted in two phases using an “advisory down-select” process. *Id.* at 56. In the first phase, vendors were to be evaluated under the first two technical factors--demonstrated prior experience and key personnel; following the phase one evaluation, the agency would issue an “advisory notification.” *Id.* at 58-59. The most highly rated vendors would be advised to proceed to the second phase during which vendors would provide their virtual oral presentations and pricing information, and vendors not among the most highly rated would be advised that they were unlikely to be viable competitors. *Id.* at 127. The intent of the notification was to minimize quotation development costs for vendors with little to no chance of receiving an award. *Id.*

With regard to the key personnel factor, the solicitation identified six key positions: program manager, senior tester (manual), senior tester (automation), senior tester (performance), mid-level tester, and configuration management specialist (junior). *Id.* at 24-26. The RFQ instructed vendors to submit resumes for the candidates proposed for these positions. *Id.* at 43.

NARA received quotations from sixteen vendors by the solicitation closing date. Contracting Officer’s Statement (COS) at 3. After conducting the phase I evaluation, the agency notified four vendors, including XLA and PCG, that they were among the most highly rated vendors and that they could participate in phase II of the procurement.<sup>2</sup> *Id.* at 3; AR, Tab 10, XLA Notice; Tab 11, PCG Notice. Both XLA and PCG provided their phase II oral presentations on July 12, 2021. COS at 3.

The technical evaluation team completed the consensus evaluations for each phase II vendor immediately following each presentation. Memorandum of Law (MOL) at 2; AR, Tab 14, Phase II Evaluation. Following the four presentations and consensus

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<sup>1</sup> References to page numbers for agency report exhibits are to the Bates numbering provided by the agency.

<sup>2</sup> With regard to the other vendors, NARA notified five of them that they failed to meet a material requirement of the solicitation, and seven of them that they were unlikely to receive award and were not recommended to proceed to phase II of the competition. COS at 3.

evaluations, NARA's decision authority reviewed and concurred with the technical evaluators' consensus findings. AR, Tab 18, Final Decision Document at 350. The decision authority then conducted a comparative analysis of the quotations. *Id.* at 351-353. As relevant here, in comparing the quotations of XLA and PCG, the decision authority concluded that XLA's quotation had a "slight edge" over PCG's under the first factor--demonstrating prior experience--because XLA provided "very relevant experience as the incumbent contractor to NARA's requirement" and the agency found that having actually performed NARA's work "ultimately [gave] NARA more confidence in a successful outcome." *Id.* at 353.

Under the second factor, key personnel, which was equal in importance to the first factor, the decision authority found that PCG's quotation was superior to XLA's. In particular, the agency found that "PCG's staff met or exceeded more requirements than XLA, particularly with back-end testing and Section 508<sup>3</sup> testing experience," which the agency explained "gave NARA more confidence that their personnel submitted will exceed our requirements than XLA." *Id.*

With regard to the third factor, oral presentation, the decision authority also concluded that PCG's quotation was superior to XLA's. The agency explained that it had "more confidence in PCG's presentation, as well as the staff that presented" when compared to XLA. *Id.* Although NARA found that aspects of XLA's presentation--such as discussion with the performance tester and the mid-level tester--gave NARA "confidence in their understanding," the agency also found that XLA's "senior manual tester had trouble with the written script, even reading verbatim." *Id.* at 352. The agency explained that it "didn't have confidence that, based on the presentation, that [the senior manual tester] really understood the material," and that "by extension," this "causes risk for contract performance as a senior tester." *Id.*

Additionally, the agency noted that "[e]ven during the Q&A [question and answer] follow-up, the performance tester [ ] jumped in to help [the senior manual tester] answer the clarification around agile." *Id.* at 352-353. The agency stated that this "did not give NARA confidence" and "it felt like [the senior manual tester] was reading back someone else's words and not presenting based on her own knowledge and expertise of the technical material, which she would need to present to stakeholders as [a] senior tester." *Id.* at 353. In light of these issues, the decision authority concluded that he had "more confidence in PCG's understanding of the issues and their ability to exceed our requirements, when compared to XLA." *Id.* The agency found that PCG's participants were able to talk intelligently about the agency's requirements, and were focused on responding to the questions posed with relevant examples, including pros and cons on approaches. NARA also determined that the phase II vendors' price quotations were complete, fair and reasonable.

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<sup>3</sup> Section 508 of the Rehabilitation Act of 1973, as amended, requires federal agencies to ensure that their electronic and information technology (EIT) provides comparable access to people with and without disabilities whenever an agency develops, procures, maintains, or uses EIT. *Visual Connections, LLC*, B-407625, Dec. 31, 2012, 2013 CPD ¶ 18 at 1.

The decision authority conducted a best-value tradeoff analysis between the quotations and found that “PCG was approximately 5% more expensive than XLA, inclusive of all options,” with “hourly rates [DELETED] more expensive than XLA.” *Id.* The decision authority concluded, however, that the technical advantages associated with PCG’s quotation justified the associated price premium. *Id.* The decision authority explained that PCG’s “total submission gave NARA more confidence” that PCG would successfully meet or exceed the agency’s requirements than XLA’s total submission and, “given the pluses that PCG offers, NARA would pay more for a higher likelihood of success on the contract.” *Id.*

On April 10, 2021, the agency notified XLA that its quotation had not been selected. AR, Tab 21, Unsuccessful Vendor Notice at 416. After requesting and receiving a brief explanation of the selection decision, XLA timely filed this protest with our Office.

## DISCUSSION

XLA raises several challenges to the agency’s evaluation of its technical quotation. First, XLA argues that NARA improperly assessed decreased confidence to its quotation under the key personnel factor based on the agency’s determination that three of XLA’s proposed personnel failed to adequately demonstrate backend testing experience in their resumes. Second, the protester contends that the agency failed to evaluate XLA’s quotation in accordance with the terms of the RFQ under the oral presentation factor by improperly evaluating presentation skills instead of the content of the presentation. Finally, the protester argues that the best-value tradeoff analysis was flawed. Although we do not specifically address all of XLA’s arguments, we have fully considered all of them and find that none provide a basis on which to sustain the protest.<sup>4</sup>

Where, as here, an agency issues a solicitation to vendors holding FSS contracts, and conducts a competition among FSS vendors, we will review the record to ensure that the agency’s evaluation is reasonable and consistent with the terms of the solicitation.

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<sup>4</sup> On September 27, 2021, XLA filed a supplemental protest arguing for the first time that NARA engaged in disparate treatment of the vendors. Comments & Supp. Protest at 5. Although the protester raised this argument in response to the agency’s memorandum of law and contracting officer’s statement of facts, filed on September 15, 2021, the protester was on notice of the information providing the basis for its argument as of September 10, 2021, when the agency filed documents in response to the protest. Because the protester failed to raise its supplemental protest within 10 days of September 10, the supplemental protest issues are untimely. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (requiring protest issues be filed within 10 days after the basis is known or should have been known); *Vigor Shipyards, Inc.*, B-409635, June 5, 2014, 2014 CPD ¶ 170 at 5 (explaining that where a protester initially files a timely protest, and later supplements it with new grounds of protest, the later-raised allegations must independently satisfy our timeliness requirements, since our Regulations do not contemplate the piecemeal presentation or development of protest issues). Accordingly, the supplemental protest ground is dismissed.

*Spectrum Comm, Inc.*, B-412395.2, Mar. 4, 2016, 2016 CPD ¶ 82 at 8. In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate the quotations; rather, we will examine the record to determine whether the agency's evaluation conclusions were reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. *OPTIMUS Corp.*, B-400777, Jan. 26, 2009, 2009 CPD ¶ 33 at 4. A protester's disagreement with the agency's judgment, without more, does not establish that an evaluation was unreasonable. *Electrosoft Servs., Inc.*, B-413661, B-413661.2, Dec. 8, 2016, 2017 CPD ¶ 7 at 5.

### Evaluation of XLA's Key Personnel

XLA also argues that NARA's evaluation of XLA's proposed senior manual tester and two mid-level testers was unreasonable. XLA challenges the agency's determination that the three individuals proposed for these positions failed to adequately demonstrate experience with backend testing, which the agency found, "lower[ed] [its] confidence in this aspect of contract performance." AR, Tab 13, Phase I Evaluation at 328. XLA argues that the resumes for its proposed senior manual tester and two mid-level testers demonstrated that its proposed candidates met or exceeded the RFQ's requirements.

The agency responds that the evaluators did not find anything in the resumes of XLA's proposed senior manual tester and mid-level testers that adequately demonstrated backend testing experience; thus, the agency's identification of this area as one that decreased confidence was reasonable.

Under the key personnel factor, vendors were to provide resumes demonstrating that the proposed key personnel "meet any experience and education requirements for the labor category of both [the vendor's] GSA Schedule and any additional requirements set forth in this Task Order for Key Personnel." RFQ at 125. The solicitation provided that the agency would assign a confidence rating based on "how the [q]uoter identifies and commits Key Personnel with appropriate experience and qualifications." *Id.* at 132. The RFQ also provided that the agency would evaluate key personnel based on the "recency, quality and depth of experience of individual personnel working on similar projects (size, scope, magnitude, duration, and complexity and how confident the Government is that the personnel can perform the required work." *Id.*

As noted above, the RFQ listed the senior manual tester and mid-level testers as key positions. For each position, the solicitation listed specific qualifications that were required, and others that were desirable. For the senior manual tester position, prior experience performing backend database testing was required. *Id.* at 52.

In evaluating the senior manual tester, the agency found that she "demonstrates strong experience with manual testing and gives us confidence that manual testing will not be an issue for her." AR, Tab 13, Phase I Evaluation at 309. The agency also found, however, that the proposed individual did not demonstrate "experience with backend testing," which the agency explained, "lowers our confidence in this aspect of contract performance." *Id.* In making this conclusion, NARA explains that it evaluated the

resumes for “specific experience and demonstration of skills on the submitted resumes.” Supp. MOL at 4.

The protester disagrees with the agency’s evaluation and claims that its senior manual tester “expressly describes” experience with backend testing because her resume makes two references to structured query language (SQL) queries.<sup>5</sup> Protest at 11. In response, the agency contends that “while SQL experience could demonstrate some backend testing experience, backend testing involves other testing components as well, and the mere listing of SQL is insufficient to demonstrate the necessary backend testing experience.” Supp. MOL at 6. The agency also points out that the resume submitted for XLA’s proposed senior manual tester does not otherwise contain a single reference to “backend testing” or “backend database testing.” MOL at 4-5; AR, Tab 8B, XLA Tech. Quotation, Factor 2 at 149-150.

Based on this record, we find nothing unreasonable regarding NARA’s evaluation. As noted above, the RFQ specified that the agency would assign a confidence rating based on “how the [q]uoter identifies and commits [k]ey [p]ersonnel with appropriate experience and qualifications,” and for the senior manual tester position, the required experience included experience with backend database testing. RFQ at 52, 132. The record reflects that the resume submitted for XLA’s proposed senior manual tester does not contain a single reference to “backend testing” or “backend database testing.” MOL at 4-5; AR, Tab 8B, XLA Tech. Quotation, Factor 2 at 149-150.

Although the protester claims that the resume’s two references to SQL queries adequately demonstrated experience with backend testing, the resume does not mention whether or how either reference relates to backend testing. AR, Tab 8B, XLA Tech. Quotation, Factor 2 at 149-150. To the extent this experience related to backend testing, it was XLA’s responsibility to clearly articulate that connection in the senior tester’s resume. 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*, B-410566.2, June 8, 2015, 2015 CPD ¶ 176 at 5. 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. Although XLA contends that the contents of the resume were sufficient or should have been interpreted differently, the protester’s

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<sup>5</sup> Specifically, the protester points to the following two bulleted statements listed in the senior tester’s resume: “Generated and executed SQL queries to interpret test results and create test data utilizing TOAD[®] and Query Analyzer.” AR, Tab 8B, XLA Tech. Quotation, Factor 2 at 151. The second statement cited by the protester is one of six bullets listed under the job title of senior lead test engineer and states: “Generated and executed SQL queries and Unix Shell scripts to interpret test results and create test data.” *Id.*

disagreement with the agency's evaluation does not provide a basis to sustain the protest.<sup>6</sup> *Electrosoft, supra* at 5.

Similarly, we find nothing unreasonable regarding the agency's evaluation of the resumes of XLA's mid-level testers. For the mid-level tester positions, the RFQ identified a number of areas that could provide relevant experience, including "[e]xperience performing backend database testing." RFQ at 93.

In evaluating the mid-level testers, the agency found that "[b]oth mid-level testers show experience with Section 508 testing, which gives NARA confidence that the testers exceed the requirements and perform well on future NARA testing projects." AR, Tab 13, Phase I Evaluation at 309. The agency also found, however, that the two mid-level testers did not demonstrate experience with backend testing. *Id.*

The protester argues that the agency's evaluation that its proposed mid-level testers failed to demonstrate experience with backend testing is unreasonable because both of the resumes mention the term "backend testing" or "backend database testing." Protest at 14-15. The agency responds that both of the mid-level testers' resumes included only a cursory reference to the term "backend testing" or "backend database testing" in the "overview" section or the "core skills" section. MOL at 4-5. The agency explains that aside from this cursory mention, the resumes contained no reference to backend testing experience. *Id.* As previously stated, the RFQ provided that the agency would assess its confidence in key personnel based on the details provided, including "the recency, quality and depth of experience of individual personnel working on similar projects." RFQ at 132. The cursory references to backend testing--appearing only in the overview and core skills sections of the resumes--provide none of these details. The agency found that this was insufficient to demonstrate experience with backend testing. We are not persuaded that such a conclusion was unreasonable. See *Consummate, supra* at 5 (where solicitation required quotations to demonstrate key

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<sup>6</sup> The protester also argues that it was unreasonable for NARA to downgrade its quotation for the lack of backend testing experience when backend testing is not a required task under the solicitation. As discussed herein, however, the plain language and express requirements of the solicitation provided for the evaluation of key personnel experience and specifically required backend testing experience on the part of the senior manual tester. See RFQ at 92, 132. To the extent XLA argues that the individual proposed for the senior manual tester did not need to comply with the RFQ's experience requirement to demonstrate backend testing experience because backend testing is not a required task under the solicitation, this constitutes a challenge to a patent ambiguity in the plain language and express requirements of the solicitation that was required to be protested prior to the time for the submission of proposals. 4 C.F.R. § 21.2(a) ("Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the time set for receipt of initial proposals shall be filed prior to bid opening or the time set for receipt of initial proposals."). Where XLA failed to timely challenge this aspect of the solicitation, its protest is untimely and therefore dismissed.

personnel had required experience, mere restatement of the requirements was insufficient). As such, we find the protester's argument provides no basis on which to sustain the protest.

#### Evaluation of XLA's Oral Presentation

XLA also argues that the agency's finding of decreased confidence in its quotation under the oral presentation factor was unreasonable and based on an unstated evaluation criterion. For the reasons discussed below, we find no merit to this argument.

For evaluation of the oral presentation factor, the RFQ provided that the agency would "assess its confidence in the quoter[']s ability to meet or exceed contract requirements as it relates to the questions posed in RFQ 6.4.1," virtual oral presentation.<sup>7</sup> RFQ at 132. The solicitation also provided that the "[t]eam dynamics of the Key Personnel and attending responsible corporate official(s) during the oral presentation may also be evaluated." *Id.* Additionally, the RFQ advised that "[t]he Government intends for the oral presentation to be an interactive dialogue between the Quoter and the Government" and that "[t]hese exchanges are viewed as a component of the oral presentation itself and do not constitute discussions." *Id.* at 128.

In evaluating XLA's quotation, NARA expressed decreased confidence in XLA's senior manual tester because that individual's performance suggested a lack of understanding of the relevant material:

The senior manual tester had trouble with the written script, even reading verbatim, and we didn't have confidence that, based on the presentation, that she really understood the material, which by extension causes risk for contract performance as a senior tester. Even during the Q&A follow-up, the performance tester . . . jumped in to help her answer the clarification around agile. It did not give NARA confidence that it felt like she was reading back someone else's words and not presenting based on her own knowledge and experience.

AR, Tab 18, Final Decision Document at 317.

XLA contends that in reaching this conclusion, NARA relied on a criterion other than those listed in the RFQ. In the protester's view, the agency improperly evaluated one of the key personnel's presentation skills rather than the content of the presentation. Protest at 17.

The agency responds that NARA's evaluation of decreased confidence clearly tied the agency's concern with the presentation to criteria listed in the RFQ. MOL at 10. For

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<sup>7</sup> For the virtual oral presentation factor, the RFQ explained that the vendor's oral presentation must address six questions provided in the solicitation to determine if the vendor can successfully perform the requirement. RFQ at 127.



example, the agency points to the evaluators' statement, quoted above--that the senior manual tester's presentation led to a concern that she was "not presenting based on her own knowledge and experience" and that she did not "really underst[an]d the material." *Id.* (citing AR, Tab 14, Phase II Evaluation at 317). The agency explains that "[the evaluation of the oral presentation was specific to the quoter's ability to meet the contract requirements as demonstrated by its presentation and responses to the identified oral presentation questions" and "[h]ere, the Senior Tester's difficulty with the material led directly to a decreased confidence in her knowledge and experience regarding the questions asked." MOL at 8 (quoting AR, Tab 14, Phase II Evaluation at 317). In this regard, the agency points out that the RFQ specifically advised that the presentation was intended to be an "interactive dialogue" and that NARA may ask questions about the presentation, which the presenters were expected to be able to answer. RFQ at 128-129 ("The Quoter participants shall not reach back, by telephone, e-mail or any other means to personnel or persons for assistance during the oral presentation.").

Additionally, the agency explains that while the evaluators noted the senior manual tester's "trouble with the written script," the decreased confidence was not based upon her presentation style, as asserted by the protester, but upon concern that this difficulty evidenced a lack of familiarity with and knowledge about the subjects raised by the questions, which could increase performance risk under the contract. MOL at 9. The agency notes that this potential performance risk was articulated in the final decision document, which stated that NARA's confidence was decreased because "it felt like she was reading back someone else's words and not presenting based on her own knowledge and expertise of the technical material, which she would need to present to stakeholders as a senior tester." *Id.* (citing AR, Tab 18, Final Decision Document at 353). The agency maintains that this evaluation was consistent with the solicitation's stated criteria to "assess its confidence in the quoter[']s ability to meet or exceed contract requirements." *Id.* (quoting RFQ at 132).

Based on the record, we see no indication that the agency failed to evaluate XLA's quotation in accordance with the RFQ. Although the protester contends that the agency based its evaluation of XLA's proposed senior manual tester on the quality of the individual's presentation skills, rather than the content or accuracy of the individual's responses to the RFQ questions, the record shows otherwise. Instead, the agency's finding of decreased confidence was ultimately based on the agency's concern with the senior tester's responses to the RFQ questions and concern regarding the senior tester's lack of understanding of the relevant material. We find nothing unreasonable about this evaluation conclusion.

In sum, based on our review of the record and the arguments raised by the protester, we find no basis to question the agency's evaluation of quotations. Additionally, because we find that the agency properly evaluated quotations under the key personnel and oral presentation factors, we need not address the protester's challenge to the

best-value determination, which is based on assumed errors with the agency's evaluation.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel