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# Decision

**Matter of:** Spathe Systems, LLC

**File:** B-420399; B-420399.2

**Date:** March 18, 2022

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Colonel Frank Yoon, Nicholas T. Iliff, Jr., Esq., and Carolyn J. Fox, Esq., Department of Defense, for the agency.

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## DIGEST

Agency reasonably assessed significant weaknesses in protester's proposal where the solicitation clearly required detailed information demonstrating an offeror's experience, understanding, and capabilities, but protester's proposal contained only summary information.

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## DECISION

Spathe Systems LLC, of Tampa, Florida, protests the issuance of a task order by the Department of Defense, U.S. Special Operations Command (USSOCOM), to Threat Tec, LLC, pursuant to request for proposals (RFP) No. SCS210001 to provide language, regional expertise, and cultural (LREC) program support. Spathe asserts that the agency improperly assessed significant weaknesses in Spathe's proposal.

We deny the protest.

## BACKGROUND

In May 2020, USSOCOM awarded multiple indefinite-delivery indefinite-quantity (IDIQ) contracts to 46 small-business contractors, including Spathe.<sup>1</sup> In March 2021, the agency issued RFP No. SCS210001 to the SCS contractors, seeking task order proposals to provide, among other things, “LREC instructors, academic support, Live Environment Training (LET) support, [and] program management.”<sup>2</sup> Agency Report (AR), Tab 4, RFP at 1. The solicitation provided that the source selection decision would be based on a best-value tradeoff between the following evaluation factors: (1) program management; (2) technical execution; and (3) price.<sup>3</sup>

Section L of the RFP required, among other things, that each offeror “describe its experience providing support to the Government on efforts similar in scope to this requirement.”<sup>4</sup> RFP at 3. Consistent with this requirement, section M of the RFP advised offerors that “the Government will evaluate the experience and understanding

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<sup>1</sup> The IDIQ contracts are referred to as the Special Operations Forces Core Support (SCS) contracts, and contemplate the provision of “subject matter expertise and knowledge based services in support of USSOCOM’s enterprise requirements for U.S. based and globally assigned Special Operations Forces (SOF) missions.” Protest, exh. 1, Spathe’s SCS Contract at 11. The scope of performance under the SCS contracts extends to education and training services; management support services; and program management, engineering, technical, professional and administrative services. *Id.* at 13.

<sup>2</sup> The agency states that the procurement at issue here covers the full breadth of the LREC program; has a ceiling value of \$350 million over an 8-year period; and will be implemented through task orders issued to the single awardee selected in this procurement without further competition. Contracting Officer’s Statement at 2; RFP at 1.

<sup>3</sup> The solicitation provided that “Factors 1 and 2 are of equal importance” and “when combined, are significantly more important than Factor 3.” RFP at 14. The solicitation also established a fourth factor, administrative, which was to be reviewed only “for completeness and compliance with instructions.” *Id.* at 10, 14. Spathe acknowledges that “[t]his factor [administrative] is not at issue in this protest.” Protest at 3 n.1.

<sup>4</sup> More specifically, the RFP directed that offerors “shall include a description of the companies and Sub-Contractors that constitute the Offeror’s team, and how those members contribute to the overall requirement for . . . understanding . . . experience . . . and capability [of the team].” RFP at 3. The solicitation further directed that “offerors shall provide a description of lessons learned from previous efforts.” *Id.*

of the Offeror's team . . . in providing training and support services of similar scope to the [solicitation's] requirements.<sup>5</sup> *Id.* at 11.

On April 28, proposals were submitted by 18 offerors, including Spathe.<sup>6</sup> Thereafter, Threat Tec's and Spathe's proposals were evaluated as follows:<sup>7</sup>

	<b>Threat Tec</b>	<b>Spathe</b>
<b>(1) Program Management</b>	Outstanding <sup>8</sup>	Marginal <sup>9</sup>
<b>(2) Technical Execution</b>	Good	Good
<b>(3) Total Evaluated Price</b>	\$4,537,627	\$4,232,270

AR, Tab 11, Source Selection Decision Document (SSDD) at 3.

In assessing a marginal rating to Spathe's proposal under factor 1, program management, the source selection evaluation board (SSEB) assessed significant weaknesses in Spathe's proposal. Specifically, the SSEB noted that Spathe's proposal represented that its proposed team had "more than [redacted] years of [experience in providing] language and cultural support," and that it "is currently performing [redacted] of all tasks in the [solicitation's] statement of work (SOW)," see AR, Tab 7, Spathe Proposal at 2; yet, Spathe's proposal contained virtually no additional information to support these claims. AR, Tab 9, SSEB Report (Spathe) at 1-4. The SSEB further noted that Spathe's proposed team consisted of multiple subcontractors or consultants, see AR, Tab 7, Spathe Proposal at Table 2-1, but the proposal was unclear as to the roles the various team members would fill; the agency concluded that this lack of clarity increased the risk of unsuccessful contract performance. AR, Tab 9, SSEB Report

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<sup>5</sup> Section M elaborated that the agency would assess, among other things, "the degree to which" the offered team collectively possessed the required capabilities. RFP at 11-14

<sup>6</sup> The other offerors' proposals are not relevant to this protest and are not further discussed.

<sup>7</sup> In evaluating proposals under factors 1 and 2 (program management and technical execution), the agency assigned adjectival ratings of outstanding, good, acceptable, marginal, or unacceptable. RFP at 10-11. Offerors were advised that the rating for each factor "will include consideration of risk in conjunction with strengths, weaknesses, significant weaknesses, and deficiencies." *Id.*

<sup>8</sup> The solicitation defined an outstanding rating as "Proposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths, and risk of unsuccessful performance is low." RFP at 11.

<sup>9</sup> The solicitation defined a marginal rating as "Proposal has not demonstrated an adequate approach and understanding of the requirements, and/or risk of unsuccessful performance is high." RFP at 11.

(Spathe) at 1-4. Finally, the agency noted that Spathe's proposal failed to "directly discuss their understanding of Administrative staff positions," noting that this also increased the risk of unsuccessful contract performance. *Id.* at 4.

Thereafter, the source selection authority (SSA) conducted an independent review and assessment of the proposals and selected Threat Tec's proposal for award.<sup>10</sup> AR, Tab 11, SSDD at 1-7. The SSA considered Spathe's and Threat Tec's proposals to be essentially equal under factor 2, technical execution, but concluded that Threat Tec's substantially higher rating under factor 1, program management, and the multiple strengths in Threat Tec's proposal associated with that higher rating, warranted its higher evaluated price. *Id.* Accordingly, the SSA concluded that Threat Tec's proposal offered the best value to the government.

On December 2, 2021, Spathe was notified that Threat Tec's proposal had been selected for award. This protest followed.<sup>11</sup>

## DISCUSSION

Spathe asserts that the agency "misevaluated Spathe's proposal and as a result made an unreasonable source selection decision," maintaining that, but for the agency's "erroneous evaluation," Spathe "would have been selected for award." Protest at 1, 5. More specifically, Spathe complains that the agency "improperly" identified significant weaknesses in Spathe's proposal under factor 1, program management. *Id.* at 6. For example, Spathe complains that it was improper for the agency to criticize the lack of information supporting Spathe's representation that its team had [redacted] years of experience supporting the LREC program, its assertion that it was "currently performing [redacted] of all [required] tasks," or both, because these were only "introductory statements," and "[did] not relate to specific portions of the evaluation criteria." *Id.* at 6. In this context, Spathe maintains that the solicitation's evaluation criteria did not contemplate evaluation of its "introductory statements," further arguing that the solicitation contemplated only "a summarized description of [an offeror's] relevant experience."<sup>12</sup> *Id.* at 8; Spathe Comments at 3, 4. Finally, Spathe complains that the

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<sup>10</sup> The solicitation advised offerors that the agency intended to make award without conducting discussions. RFP at 14.

<sup>11</sup> As discussed above, this procurement has a ceiling value of \$350 million, and all subsequent task orders will be issued to the awardee selected here without further competition. Accordingly, this procurement is within our jurisdiction to hear protests of task orders placed under defense agency IDIQ contracts. 10 U.S.C. § 2304c(e)2(1)(B).

<sup>12</sup> For example, Spathe refers to a "list of programs" in its proposal that Spathe, its subcontractors, or both have supported, asserting that such listing met the solicitation requirements by describing each team member's experience "through a brief narrative and figure." Protest at 12; see AR, Tab 7, Spathe Proposal at 6, Figure 2-1; Spathe Proposal at 16, Table 3-4.

solicitation's 25-page limit "prevented additional background." Protest at 14-15. Accordingly, Spathe asserts that the agency's assessments of significant weaknesses in Spathe's proposal were unreasonable, contrary to the terms of the solicitation, or both.<sup>13</sup> *Id.*

The agency responds by first noting that the solicitation specifically advised offerors that the agency "will evaluate the experience and understanding of the Offeror's team . . . in providing training and support services of similar scope to the [solicitation's] requirement"; further directed offerors to discuss how each team member will contribute to the solicitation requirements with regard to experience, understanding and capabilities; and, finally, sought a "description of lessons learned from previous efforts." RFP at 3, 11.

In this context, the agency maintains that Spathe's proposal failed to adequately demonstrate its experience with, and understanding of, the requirements as required by the express terms of the solicitation. Memorandum of Law (MOL) at 7-20. The agency further notes that, in its protest, Spathe "attempts now to provide clarification or additional information" that was not included in its proposal. *Id.* For example, the agency notes that while Spathe's proposal merely contained a table with an "X" next to various team members that Spathe asserts have "capabilities aligned to the [solicitation's] SOW," its protest attempts to provide additional details that could have been, but were not, included in its proposal. *Id.* at 12. Overall, the agency maintains that Spathe's proposal failed to provide any meaningful description of the purported experience, understanding, or capabilities of Spathe's multiple team members. *Id.* at 7-20.

The evaluation of proposals in a task order competition, including the determination of the relative merits of competing proposals, is primarily a matter within the agency's discretion, since the agency is responsible for defining its needs and the best method of accommodating them. *Wyle Labs., Inc.*, B-407784, Feb. 19, 2013, 2013 CPD ¶ 63 at 6. Further, offerors are responsible for submitting well-written proposals with adequately detailed information that clearly demonstrates compliance with the solicitation's requirements and allows for meaningful review. *Raytheon Co.*, B-416578, B-416578.2, Oct. 22, 2018, 2018 CPD ¶ 376 at 12. Agencies are not required to infer information from an inadequately detailed proposal, or to supply information that the protester elected not to provide. *Jacobs Tech., Inc.*, B-411784, B-411784.2, Oct. 21, 2015, 2015 CPD ¶ 342 at 8. In reviewing protests challenging an agency's evaluation, our Office will not reevaluate proposals or substitute our judgment for that of the agency; rather, we examine 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

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<sup>13</sup> In filing and pursuing this protest, Spathe has presented arguments that are in addition to, and/or variations of, those specifically discussed in this decision. We have considered all of Spathe's allegations and find no basis to sustain its protest.

CPD ¶ 219 at 4-5. An offeror's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *STG, Inc.*, B-405101.3 *et al.*, Jan. 12, 2012, 2012 CPD ¶ 48 at 7.

Here, based on our review of the entire record, specifically including Spathe's proposal, we find no basis to question the agency's assessment of significant weaknesses in Spathe's proposal. As noted above, the solicitation specifically advised offerors that the agency would "evaluate the experience and understanding of the Offeror's team . . . in providing training and support services of similar scope to the [solicitation's] requirement"; directed offerors to discuss each team member's experience and capabilities; and sought descriptions of lessons learned from previous efforts. RFP at 3, 11.

Accordingly, Spathe's assertions that the agency's assessments of significant weaknesses in Spathe's proposal were "not relate[d] to specific portions of the evaluation criteria" are without merit. Similarly, we reject Spathe's assertion that the solicitation contemplated only "a summarized description" of an offeror's relevant experience; to the contrary, the solicitation clearly contemplated detailed information regarding an offeror's experience, understanding and capabilities. Further, we find nothing unreasonable in the agency's conclusion that Spathe's inability to understand the clear provisions of the solicitation created risk of unsuccessful performance. Finally, Spathe's complaint that the solicitation's page limitation improperly limited its ability to provide detailed information constitutes an untimely challenge to the terms of the solicitation. 4 C.F.R. § 21.2(a)(1). In summary, we reject Spathe's assertion that the agency improperly assessed significant weaknesses in Spathe's proposal or improperly assigned a rating of marginal under factor 1, program management.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel