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## Decision

**Matter of:** Optimal Solutions & Technologies

**File:** B-407467; B-407467.2

**Date:** January 4, 2013

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### DIGEST

1. Protest challenging the agency's evaluation of protester's proposal under the small business factor is denied where the agency's evaluation of the offeror's proposal at the prime factor level was reasonably based on the aggregate of the associated subfactor ratings.
  2. Protest challenging the agency's evaluation of protester's technical proposal is denied where the evaluation was reasonable, consistent with the stated evaluation criteria, and adequately documented.
  3. Protest challenging the agency's evaluation of awardee's proposed staffing plan is denied where the agency determined that the staffing plan taken as a whole was adequate to perform the stated requirements even if the staffing plan did not mirror the agency's internal estimate in certain labor categories.
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### DECISION

Optimal Solutions & Technologies (OST), of Washington, District of Columbia, protests the issuance of a task order to Metters Incorporated, of McLean, Virginia, under task order request for proposals (TORFP) No. HSSCCG-12-R-00012, issued by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), for standard lightweight operational programming environment, development support contract (SLOPE-DSC) information technology (IT) services.

OST alleges that the agency's evaluation of offerors' proposals and resulting award determination were improper.

We deny the protest.

## BACKGROUND

In 2006, DHS awarded enterprise acquisition gateway for leading-edge solutions (EAGLE) indefinite-delivery, indefinite-quantity (ID/IQ) contracts for department-wide IT services in five functional categories: engineering design, development, implementation, and integration; operations and maintenance; independent test, evaluation, validation, and verification; software development; and management support services. The EAGLE contracts, awarded for a period of up to 7 years to a total of 50 large and small business concerns including OST and Metters, are designed to be the preferred source of IT services for the majority of DHS's enterprise infrastructure and initiatives. Agency Report (AR), Tab 3, Task Order Acquisition Plan, at 3.

The TORFP here, issued on April 9, 2012, to EAGLE-contract holders within the software development functional category, contemplated the issuance of a time-and-materials-type task order for a 6-month base period together with two 1-year options. In general terms the contractor was to provide all personnel necessary to support USCIS with regard to the full IT lifecycle development of mid-range web and database applications as described by the identified tasks within the SLOPE-DSC statement of work (SOW). TORFP amend. 0002, at 8-10.

The solicitation set forth the following evaluation factors and subfactors in descending order of importance:

|                                 |   |
|---------------------------------|---|
| 1. Technical Capability         |   |
|                                 | A. Management Approach                          |
|                                 | B. Corporate Experience                         |
|                                 | C. Qualifications of Key Personnel              |
| 2. Small Business Participation |   |
|                                 | A. Maximization of Small Business Opportunities |
|                                 | B. Participation in DHS Mentor-Protégé Program  |
| 3. Past Performance             |   |
| 4. Price                        |   |

Id. at 61-64. The solicitation informed offerors that technical capability was significantly more important than small business participation, which in turn was more important than past performance. Id. at 61. The technical capability and small business participation subfactors were also in descending order of importance

to each other. Id. at 62-63. The nonprice factors, when combined, were significantly more important than price. Id. at 61. Task order issuance was to be made to the offeror whose proposal represented the “best value” to the government, all factors considered. Id.

Four offerors, including OST and Metters, submitted proposals by the April 23 closing date. An agency technical evaluation committee (TEC) evaluated offerors’ technical capability using an adjectival rating system set forth in the solicitation: outstanding; good; acceptable; and unacceptable. Id. at 63. A separate business evaluation committee (BEC) evaluated offerors under the small business participation and past performance evaluation factors using different adjectival rating systems; the BEC also evaluated but did not score offerors’ prices.

After the evaluation of initial proposals, the contracting officer determined that three offerors, including OST and Metters, were within the competitive range. The agency then held one round of discussions, followed by the offerors submitting their final proposal revisions (FPR) by August 13. The final ratings of OST and Metters with regard to the evaluation factors and subfactors were as follows:

| <b>Factor</b>                | <b>OST</b>               | <b>Metters</b>           |
|------------------------------|--------------------------|--------------------------|
| Technical Capability         | Acceptable               | Good                     |
| Management Approach          | Acceptable               | Good                     |
| Corporate Experience         | Acceptable               | Acceptable               |
| Key Personnel                | Acceptable               | Good                     |
| Small Business Participation | Neutral                  | Good                     |
| Small Business Opportunities | Not Applicable           | Acceptable               |
| DHS Mentor-Protégé Program   | Not Applicable           | Good                     |
| Past Performance             | Low Risk/<br>Outstanding | Low Risk/<br>Outstanding |
| Evaluated Price              | \$12,414,925             | \$12,419,617             |

AR, Tab 18, Final TEC Report, at 3-15; Tab 19, Final BEC Report, at 3-14.

The agency evaluators also documented the various strengths and weaknesses they found in support of the ratings assigned to offerors’ proposals. AR, Tab 18, Final TEC Report, at 3-15; Tab 19, Final BEC Report, at 3-14.

Based on the evaluation of proposals, the contracting officer as source selection authority (SSA) concluded that the evaluated superiority of Metters’ proposal under the technical capability factor outweighed the \$4,692 price advantage held by OST and, on that basis, selected Metters for award. AR, Tab 20, Source Selection

Decision, at 9-10. A task order was then issued to Metters on September 21. After USCIS provided OST with a written debriefing, this protest followed.<sup>1</sup>

## DISCUSSION

OST's protests raise numerous issues about the agency's evaluation of offerors' proposals. The protester first alleges that the USCIS's evaluation of its small business participation was unreasonable. OST also contends that the agency's evaluation of both offerors' proposals under the technical capability factor was improper. Had the agency performed a proper evaluation, OST alleges, its proposal would have been selected for award. Although we do not specifically address all of OST's arguments about the evaluation of proposals, we have fully considered all of them and find that they afford no basis on which to sustain the protest.

### Small Business Participation Evaluation of OST

OST protests the agency's evaluation of its proposal under the small business participation factor. Specifically, the protester argues that its proposal indicated that the offeror, a small business concern, would self-perform [DELETED]% of the work. Given the high level of small business (self) participation, OST argues that the assigned rating of "neutral" was both unreasonable and inconsistent with the solicitation. OST also alleges that the assigned rating was derogatory in nature, or at least not as favorable as the "good" rating assigned to Metters, a large business concern that was to provide substantially less small business participation.<sup>2</sup> Protest, Oct. 1, 2012, at 9-10; Protest, Nov. 12, 2012, at 30-31.

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<sup>1</sup> The USCIS contracting officer provided OST a written debriefing with the award notice, but considered it concluded without providing the offeror the opportunity to receive "responses to relevant questions about whether the procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed." See Federal Acquisition Regulation (FAR) §§ 15.506(d)(6); 16.505(b)(4)(ii). While our Office will not review the adequacy of an agency's debriefing (as it is a procedural matter that does not affect the validity of an awarded contract or issued task order), see Healthcare Tech. Solutions Int'l, B-299781, July 19, 2007, 2007 CPD ¶ 132 at 5, we find the decision not to provide an offeror the opportunity to ask reasonable questions during the debriefing is not consistent with applicable procurement regulations, and may unnecessarily cause an unsuccessful offeror to file a bid protest in order to obtain such information.

<sup>2</sup> OST also protested that the agency failed to conduct meaningful discussions with it regarding the evaluation of its small business participation proposal. Protest, Oct. 1, 2012, at 9-12. As the agency report provided a detailed response to the protester's assertion (AR, Oct. 31, 2012, at 4-5), and OST did not respond to the agency's position (Comments, Nov. 12, 2012, at 4-33), we deem this argument  
(continued...)

With regard to the small business participation evaluation factor, the solicitation stated that proposals would be evaluated “to determine the extent to which the Offeror provides the maximum practical opportunity for small business participation and the degree of commitment to implementing small business participation.” TORFP amend. 0002, at 63. The TORFP also established that “[p]roposals will be evaluated for Small Business Participation using the following sub factors . . . : Maximization of Small Business Opportunities, and Participation in DHS Mentor-Protégé Program.” Id. at 63-64.

The maximization of small business opportunities subfactor in turn focused exclusively on small business subcontracting participation. Specifically, the TORFP stated that: “Proposed subcontracting to Small Business, [historically underutilized business zone] Small Business, Service-Disabled Veteran Owned Small Business, Small Disadvantaged Business, and Woman-Owned Small Business will be evaluated in terms of maximizing opportunities for the small business categories listed in the table below.”<sup>3</sup> Id. at 63. The TORFP also established that the small business participation factor and subfactors would be rated using the following adjectival ratings: outstanding, good, acceptable, and unacceptable. Id. at 64.

OST submitted its proposal and indicated that it was a small business concern under the applicable size standard. AR, Tab 11, OST Business Proposal, at 11. OST also stated that it would perform a minimum of [DELETED]% of the work itself and therefore met the small business participation factor identified in the solicitation. Id.

The BEC evaluated OST’s proposal under the small business participation factor and subfactors. The evaluators concluded that because the maximization of small business opportunities subfactor measured small business subcontracting participation, which did not apply to small business offerors like OST, the rating to be assigned to OST’s proposal was “not applicable.”<sup>4</sup> AR, Tab 13, BEC Report, at 28, 31. As a result of the “not applicable” ratings for both small business participation subfactors, the BEC then assigned OST an overall rating of “neutral”

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abandoned. See Citrus College; KEI Pearson, Inc., B-293543 et al., Apr. 9, 2004, 2004 CPD ¶ 104 at 8 n.4.

<sup>3</sup> Similarly, participation in the DHS Mentor-Protégé Program subfactor concerned the extent to which large business offerors would provide developmental assistance (e.g., technical, contract management, financial) to small business subcontractors. TORFP amend. 0002, at 64.

<sup>4</sup> A similar determination was made by the BEC when evaluating OST’s proposal under the participation in the DHS Mentor-Protégé Program subfactor.

for the small business participation factor.<sup>5</sup> Id. at 31. By contrast, based on its small business subcontracting plan and participation in the DHS Mentor-Protégé Program, Metters received a rating of “good” for the small business participation factor. AR, Tab 19, Final TEC Report, at 6; Tab 13, TEC Report, at 28, 30.

When making the award determination, the SSA recognized that OST had received a small business participation rating of “neutral” because the criteria did not apply to small business concerns. AR, Tab 20, Source Selection Decision, at 3, 6. The SSA also noted that as OST was a small business that would perform approximately 65% of the work itself, OST was in fact providing significant small business participation. Id. at 9. The SSA then concluded that it was Metters’ technical capability advantages that more than offset OST’s price advantage. Id. at 10.

OST does not dispute that both small business participation subfactors, as defined in the solicitation, were inapplicable to small business offerors such as itself. Rather, the protester alleges that the small business participation factor was required to evaluate the “extent to which the Offeror provides the maximum practical opportunity for small business participation,” TORFP amend. 0002, at 63, and that it therefore should have received a rating of “outstanding.” The protester essentially argues that the prime factor rating was to be based on more than--or other than--the identified subfactors. OST also argues that the assigned rating of “neutral” was not one permitted by the evaluation rating scheme set forth in the solicitation. The agency maintains that its evaluation was reasonable under the circumstances and that, in any event, OST was not prejudiced.

The evaluation of proposals, including the determination of the relative merits of proposals, is primarily a matter within the contracting agency’s discretion, since the agency is responsible for defining its needs and the best method of accommodating them. Highmark Medicare Servs., Inc., et al., B-401062.5 et al., Oct. 29, 2010, 2010 CPD ¶ 285 at 12. In reviewing an agency’s evaluation, we will not reevaluate the proposals, but will examine the record of the evaluation to ensure that it was reasonable and consistent with the stated evaluation criteria as well as with procurement law and regulation. Id. A protester’s mere disagreement with a procuring agency’s judgment is insufficient to establish that the agency acted unreasonably. See Birdwell Bros. Painting & Refinishing, B-285035, July 5, 2000, 2000 CPD ¶ 129 at 5.

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<sup>5</sup> The contracting officer, who was also a BEC member, stated that the agency looked for an adjectival “descriptor” that would neither advantage nor disadvantage OST who, as a small business concern, was not covered by the small business participation criteria. Contracting Officer’s Statement, Oct. 31, 2012, at 6. The contracting officer considered the rating of “neutral” to be neither favorable nor unfavorable, and also well understood in the context of past performance evaluations where an offeror has no record of relevant past performance. Id. at 6-7.

We find that the agency's evaluation of OST's small business participation does not provide a basis on which to sustain the protest. The record indicates that the BEC evaluated OST's proposal under the two small business participation subfactors, and reasonably found they did not apply to a small business concern like OST (which the protester does not dispute). As a result, the evaluators assigned OST subfactor ratings of "not applicable."<sup>6</sup> The BEC then determined OST's small business participation factor rating based solely on the associated subfactor ratings. We find this to be consistent with the language of the solicitation which stated that "[p]roposals will be evaluated for Small Business Participation using the following subfactors." TORFP amend. 0002, at 63. In light of the two "not applicable" subfactor ratings, the "neutral" rating assigned to OST for the small business participation factor was also reasonable.

We also find no merit in OST's argument that the small business participation factor was to be based on more than--or other than--the enumerated subfactors. We fail to see, and more importantly the protester fails to explain, how the agency would perform the evaluation here if the prime factor rating was to be based upon things other than the associated subfactor ratings. By making such an assertion, OST essentially argues that there was a third evaluation subfactor whose relative importance to the other subfactors was left unstated. We find such an interpretation of the solicitation not to be a reasonable one.

OST's interpretation of the solicitation here concentrates solely on the language favorable to its position--that proposals would be evaluated for small business participation--and then ignores the language which immediately follows--that small business participation would be determined by the enumerated subfactors. Our Office resolves disputes concerning the meaning a solicitation term by reading the solicitation as a whole and in a manner that gives effect to all its provisions; to be reasonable, an interpretation of a solicitation must be consistent with such a reading. See Raytheon Co., B-404998, July 25, 2011, 2011 CPD ¶ 232 at 17. Even if OST's interpretation of the small business participation factor was reasonable, this interpretation would at best create an alleged patent ambiguity in the solicitation, which must be protested prior to the closing time for receipt of proposals to be considered timely. 4 C.F.R. § 21.2(a)(1) (2012); Rehal Int'l Transport., B-401090, Apr. 7, 2009, 2009 CPD ¶ 81 at 3.

Moreover, OST has failed to show that it was prejudiced by the agency's actions here. Competitive prejudice is an essential element of a viable protest, and where the protester fails to demonstrate prejudice, our Office will not sustain a protest. McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3; see Statistica, Inc. v. Christopher, 102 F.3d 1577 (Fed. Cir. 1996). The record reflects that the SSA

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<sup>6</sup> Again, OST does not challenge the "not applicable" ratings assigned to its proposal under both small business participation subfactors.

was completely aware of why OST had received a “neutral” rating for small business participation, and of the fact that issuing a task order to OST would still result in substantial small business participation (even if the evaluation criteria focused on small business subcontracting participation). More importantly, Metters’ rating of “good” under the small business participation factor was not seen as a discriminator between the offerors’ proposals or relied on in any manner when the award decision was made.

### Technical Capability Evaluation of OST

OST protests the agency’s evaluation of its proposal under the technical capability factor. Specifically, OST argues that under all three technical capability subfactors--management approach, corporate experience, and key personnel--its proposal should have received higher than acceptable ratings. The protester also maintains that USCIS’s evaluation was disparate and that OST’s proposal was evaluated in a “harsher” or “stricter” fashion than Metters’ proposal. Protest, Oct. 1, 2012, at 12-18; Comments, Nov. 12, 2012, at 17-29. We find that the agency’s evaluation was reasonable and provides no basis on which to sustain the protest.

### Corporate Experience Evaluation

For example, OST protests the evaluation of its proposal under the corporate experience subfactor. The protester challenges the one weakness assigned its proposal--the failure to show concurrent rapid application development--and argues that its proposal should have received a “good” rating or been considered superior to Metters. Comments, Nov. 12, 2012, at 23-25.

The solicitation established that, under the corporate experience subfactor, proposals would be evaluated on the extent to which the offerors demonstrated their likelihood of successful performance based on prior experience with complexities that were similar to this procurement. TORFP amend. 0002, at 62. The SOW stated that the contractor was to support, among other things, the concurrent rapid application development of web-based systems. TORFP amend. 0002, at 8-10. When evaluating OST’s initial proposal, the TEC identified no strengths and one weakness (the offeror’s cited IT experiences did not indicate similar rapid application development), and it rated the proposal as acceptable. AR, Tab 12, TEC Report, at 1, 11.

In its FPR, OST addressed its experience with rapid application development. The offeror provided a table listing the agency and project, the specific rapid application development, the number of systems and system name, and the timeframes for each (e.g., 3 weeks). AR, Tab 16, OST FPR, Technical Volume, at 29. The TEC found that OST’s revised proposal had no strengths or weaknesses (“[t]he Offeror’s updated response is acceptable”) and continued to rate the proposal as acceptable. AR, Tab 18, Final TEC Report, at 3, 10. The evaluators also stated that “[i]t is clear

that they have performed rapid application development but whether this was 'concurrent' is not stated." Id. at 7.

The SSA, when making the award determination, stated that OST's FPR had "cleared up" the initial corporate experience weakness and was acceptable. AR, Tab 20, Source Selection Decision, at 6. The SSA made no reference to whether OST had or had not demonstrated "concurrent" rapid application development experience. Id.

We find the agency's evaluation of OST's corporate experience to be reasonable. First, contrary to the protester's assertions, its proposal did not demonstrate that any of its rapid application development experiences were concurrent ones. OST's FPR provided only the timeframe (e.g., 3 weeks) but not specific dates for each rapid application development project it had performed. As a result, the TEC could not determine whether any of the listed rapid application development projects were concurrent (or merely consecutive) ones. Furthermore, the TEC did not assign a weakness to OST's FPR as the offeror alleges, but merely noted why it could not give OST credit for concurrent rapid application development.<sup>7</sup> In light of the fact that the agency evaluators found no strengths or weaknesses, the acceptable rating assigned to OST's proposal for the corporate experience subfactor was a proper one. Lastly, to the extent that OST argues the agency should have identified other significant strengths in its proposal, Protest, Oct. 1, 2012, at 16, we find that this amounts to mere disagreement with the agency's evaluation and does not provide a basis on which to sustain the protest.

#### Key Personnel Evaluation

In another example, OST protests the agency's evaluation of its proposal under the key personnel subfactor. The protester argues that its proposal should have received more strengths and, consequently, a higher rating. The protester also alleges that the agency's evaluation was unequal and disparate.

The solicitation established that proposals would be evaluated on the extent to which the offerors identified key personnel and explained their qualifications with prior complexities that were similar to the procurement; offerors also were to demonstrate their capability to provide and retain experienced and qualified personnel. TORFP amend. 0002, at 63. The TEC found that OST's FPR had one strength (OST expanded the number of key personnel positions) and no weaknesses or deficiencies, and it rated the proposal as acceptable. AR, Tab 18, Final TEC Report, at 3, 10-11.

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<sup>7</sup> Moreover, the SSA did not find OST's lack of concurrent rapid application development experience to be discriminator on which the agency's award decision was based.

OST points to aspects of its proposal that allegedly should have been recognized as strengths. Specifically, OST argues that it proposed highly qualified personnel; that their roles and responsibilities represented an innovative approach; and that many key personnel not only exceeded requirements but have taught classes in these areas. Protest, Oct. 1, 2012, at 17; Protest, Nov. 12, 2012, at 27-29. The protester also contends that the agency has failed to offer any explanation as to why OST's proposal did not receive a higher rating. Protest, Oct. 1, 2012, at 17.

As a preliminary matter, there is no requirement that a contracting agency explain why it did not give an offeror a different, higher rating; rather, a contracting agency is required to adequately document why it gave the evaluation rating that it did. See FAR § 15.305. Further, the record reflects that the TEC reasonably considered all aspects of OST's key personnel, including the qualifications of the individuals proposed. The evaluators found that OST's proposal contained one strength and no weaknesses and warranted an "acceptable" rating. The fact that OST, based on its self-evaluation, believes that its proposal warranted a higher rating does not mean that the agency's evaluation was unreasonable or inconsistent with the solicitation's stated evaluation criteria.

OST also argues that the agency's evaluation of offerors' key personnel proposals was disparate. Specifically, the protester points to various strengths identified in Metters' proposal--the offeror did a good job demonstrating how key personnel qualifications related to the requirements; the offeror described a robust retention strategy; and the offeror provided a very detailed description of their ability to staff effectively and efficiently--and the protester alleges that each of these strengths applied equally to OST's proposal. Protest, Nov. 12, 2012, at 26-30. We disagree.

In our view, OST's argument is mistakenly premised upon an improper "apples and oranges" comparison of offerors' proposals. For example, Metters' FPR set forth a detailed retention strategy, including: [DELETED]. AR, Tab 26, Metters' FPR, Technical Volume, at 21-22. By contrast, OST's FPR discussed the offeror's recruiting strategy but gave little detail as to OST's retention plan. AR, Tab 16, OST's FPR, Technical Volume, at 32. The TEC reasonably found that Metters had proposed a robust retention strategy while OST had not. Quite simply, the record does not indicate that the offerors proposed the same thing and received different ratings. Rather, our review indicates that OST and Metters proposed different things and properly received different ratings.

#### Technical Capability Evaluation of Metters

OST protests the agency's evaluation of Metters' proposal under the technical capability factor. Among other things, OST argues that Metters' staffing plan was deficient in certain regards--testing support and IT security resources--and should therefore have been downgraded under the related evaluation criteria. Had the agency performed a proper evaluation, OST alleges, it should have found that

Metters' staffing plan failed to demonstrate an understanding of the scope of work, and therefore rated the proposal as unacceptable. Protest, Nov. 12, 2012, at 7-17.

The SOW set forth nine specific tasks which the contractor was to perform in support of USCIS' SLOPE-DSC activities. Task 5 was test and evaluation support, and Task 7 was applications certification and accreditation (C&A) support.<sup>8</sup> TORFP amend. 0002, at 14-17. In its independent government cost estimate (IGCE), the USCIS estimated that it would require [DELETED] full-time-equivalent (FTE) Test Engineers (or [DELETED] hours annually) to perform Task 5, and [DELETED] FTE IT Security Specialist (or [DELETED] hours annually) to perform Task 7.<sup>9</sup> AR, Tab 4, IGCE, at 2. The IGCE had a total staffing estimate of [DELETED] FTEs and [DELETED] hours to perform all SOW tasks. Id. at 1-3.

The TORFP established that, as part of the management approach subfactor, proposals were to address various elements: (1) demonstrate knowledge, understanding, and technical ability to meet SOW requirements; (2) describe how normal work will be accomplished and why the approach is workable and realistic; and (3) show the ability to develop appropriate, complete, practical and cost-effective approaches for achieving SOW requirements. TORFP amend. 0002, at 62. Relevant to the protest here, the management approach subfactor also stated that:

[t]he proposal must show the proposed staffing plan, to include the project management structure and the number of Full Time Equivalents (FTEs) anticipated to be engaged for each proposed labor category and the ability to commence work in a timely manner. The proposal must demonstrate why proposed staffing is sufficient and appropriate to fulfill SOW requirements.<sup>10</sup>

Id. at 62.

Metters' initial proposal addressed the required elements of the management approach subfactor including its knowledge/understanding/technical ability, the

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<sup>8</sup> The SOW also detailed the specific duties and responsibilities under each task.

<sup>9</sup> As the base period was 6 months in length, OST and the agency generally discuss labor hour amounts based on the first full year of performance (Option Year 1).

<sup>10</sup> Additionally, offerors' business/price submissions were to include all resources required to accomplish the requirements (e.g., labor hours, rates), TORFP amend. 0002, at 58, 65, and "[t]he results of the Business Proposal evaluation shall also be used as an aid in determining each Offeror's understanding of the requirements of the solicitation. Id. at 66.

offeror's normal work approach, and its planned technical approach. Further, with regard to staffing plan, Metters set forth its project management structure, labor categories, labor amounts, and rationale for the timely performance of all SOW tasks. Metters proposed [DELETED] Test Engineer FTEs ([DELETED] hours annually) for the testing support requirements, and indicated that its Technical Writer FTE would devote an unspecified portion of time performing the IT security requirements. Metters had a total proposed staffing of [DELETED] FTEs and [DELETED] labor hours. AR, Tab 13, BEC Report, at 7-8.

The TEC identified six strengths in Metters' management approach proposal and rated it "good." AR, Tab 12, TEC Report, at 6-7. The agency evaluators found, among other things, that Metters had clearly described how the offeror was going to (generally) satisfy the SOW requirements with its proposed staffing plan. Id. at 7. However, the TEC also found that Metters had not proposed any hours for an IT Security Specialist FTE nor had Metters quantified the hours its Technical Writer FTE would spend on security issues.<sup>11</sup> Id. Still, the evaluators "did not believe that these inadequacies in the labor category breakdown were to such a degree that they posed weaknesses or deficiencies that would invalidate Metters approach to fulfilling the USCIS requirement." Id.

The agency's discussions with Metters included the offeror's staffing plan. Specifically, Metters was asked to provide sufficient information regarding how it would address security issues, and explain the reasoning and basis for its proposed labor hour mix regarding business process reengineering, development and data base management, and testing. AR, Tab 25, USCIS Discussions with Metters, at 2.

In its FPR, Metters stated that the IT security requirements function would be performed by its Technical Writer FTE who would devote [DELETED]% of the time ([DELETED] hours annually) to performing security issues. AR, Tab 26, Metters' FPR, Technical Volume, at 14. Metters' also explained:

For Task 7 . . . , Team Metters envisions that C&A activities, as per [Federal Information Security Management Act] and DHS requirements, will [DELETED]. Additionally, the technical writer will [DELETED].

Id. at 15.

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<sup>11</sup> The TEC also considered Metters' level of effort to support testing insufficient. AR, Tab 13, BEC Report, at 10.

With regard to testing support requirements, Metters' continued to propose [DELETED] Test Engineer FTEs ([DELETED] hours) annually in its FPR.<sup>12</sup> Id. at 15. However, in the supporting rationale for its staffing plan Metters stated:

Team Metters' proposed staffing results in a mix of skills that gives the team increased flexibility. We recognize that we were not being asked to provide a specific solution to a problem with this proposal, but rather provide a team that can deliver solutions with maximum flexibility. By having the FTEs indicated in [the table above], we can [DELETED].

\* \* \* \* \*

Team Metters has chosen to [DELETED]. By using this method of staffing we can [DELETED]. Our proposed Test Engineer [DELETED].

Id. at 16-17.

Metters' total proposed staffing of [DELETED] FTEs and [DELETED] hours to perform all SOW requirements remained unchanged. Id. at 15; Tab 27, Metters' FPR, Business Volume, at 30-32.

When evaluating Metter's revised staffing plan, the TEC found that based on the additional detail and clarification provided, Metters' plan utilized a mix of skills in such a way that the offeror exceeded the staffing requirements for teams to develop concurrent rapid application development (thus increasing flexibility). AR, Tab 18, Final TEC Report, at 5. The evaluators also found that Metters' proposed [DELETED] would [DELETED], thereby resulting in increased quality of their solutions. AR, Tab 19, Final BEC Report, at 8. The TEC noted that Metters' Technical Writer FTE would devote [DELETED]% of the time ([DELETED] hours annually) to IT security requirements, and that Metters' project teams were "[DELETED]" with [DELETED] Test Engineer FTEs [DELETED]. Id. at 6. In light of the other aspects of Metters' staffing plan, however, the TEC concluded that Metters' total proposed mix of labor hours and labor categories was acceptable.<sup>13</sup> Id. at 8.

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<sup>12</sup> Metters also indicated that the Technical Writer FTE would devote [DELETED]% of its time to the performance of the test support requirements. AR, Tab 26, Metters' FPR, Technical Volume, at 14.

<sup>13</sup> The TEC found OST's staffing plan, which proposed fewer FTEs ([DELETED]) and labor hours ([DELETED]) than both the IGCE and Metters, was also acceptable. AR, Tab 19, Final BEC Report, at 10.

We find the agency's evaluation of Metters' staffing plan to be reasonable. The agency evaluators were fully aware of the specific instances which OST challenges where Metters' staffing plan diverged from that set forth in the IGCE. In fact, the agency's concerns became a subject of discussions to which the offeror specifically responded. Metters' FPR explained how it would accomplish the IT security requirements with its proposed staffing. Likewise, Metters detailed how and why its strategy was [DELETED], with its test engineers [DELETED]. The TEC considered Metters' entire staffing plan and reasonably concluded that it was acceptable to perform all SOW requirements.

OST essentially highlights those two labor categories within Metters' staffing plan that were less than the IGCE, but ignores the many other labor categories within Metters' staffing plan that met or exceeded the government staffing estimates. For example, while the IGCE proposed [DELETED] FTEs for applications engineers, Metters proposed [DELETED] FTEs in this labor category. AR, Tab 4, IGCE, at 2; Tab 26, Metters' FPR, Technical Volume, at 10. The protester also ignores the fact that in many instances its proposed staffing levels by labor category (*e.g.*, Project Manager, Database Management Specialist, Training Specialist) were less than those in the IGCE, AR, Tab 4, IGCE, at 2; Tab 17, OST's FPR, Business Volume, at 14, as well as the fact that its overall staffing levels--in FTEs and labor hours--were less than the IGCE and those proposed by Metters.

Moreover, we find the central focus of OST's argument to be a misplaced one. The solicitation did not require that offerors' staffing plans mirror the government estimates in all labor categories and labor amounts. Nor did the solicitation require that the agency evaluate offerors' staffing plans at the labor-category level or SOW task-level. Rather, the TORFP required the agency to evaluate an offeror's ability to accomplish all stated SOW requirements with its entire proposed staffing plan. The record indicates the TEC took into account those instances where Metters' labor category-staffing levels were less than and more than the government estimates. The record indicates that the TEC considered not only the quantitative, but also the qualitative, aspects of Metters' staffing plan. Quite simply, given the total mix and levels of labor proposed as well as approach, the TEC found Metters' staffing plan

to be more than an acceptable method to performing all SOW requirements.<sup>14</sup> We find this holistic determination to be reasonable, consistent with the stated evaluation criteria, and adequately documented.<sup>15</sup>

The protest is denied.

Susan A. Poling  
General Counsel

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<sup>14</sup> The TEC made a similar determination about the overall acceptability of OST's staffing plan notwithstanding that it offered fewer labor hours than Metters.

<sup>15</sup> OST also argues that Metters should have been downgraded for proposing to subcontract a majority ([DELETED]%) of the work, which allegedly would cause substantial risk to contract performance. Protest, Nov. 12, 2012, at 2-3, 17. (We find OST's later assertion that Metters should also have been downgraded for subcontracting two of four key personnel positions, including the program manager, see Comments, Nov. 26, 2012, to be untimely.) There was no TORFP requirement that offerors perform a majority of the work themselves. Moreover, unlike the overly-simplistic litmus test employed by the protester, the SSA reasonably found that Metters' level of subcontracting was not unusual nor did it pose unnecessary risk to the agency. AR, Tab 21, Source Selection Decision, at 4; Contracting Officer's Statement, Dec. 11, 2012, at 1.