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Decision

Matter of: Computer World Services Corporation

File: B-407783

Date: February 15, 2013

Lee Dougherty, Esq., and Katherine A. Straw, Esq., Fluet Huber & Hoang, PLLC, for the protester.

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DIGEST

Protest that agency unreasonably evaluated the past performance of the protester is denied where record shows that agency's evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

Computer World Services Corporation (CWS), of Washington, D.C., protests the Defense Information Systems Agency's (DISA) award of a contract to Vykin Corporation, of Tampa, Florida, under request for proposals (RFP) No. HC1047-12-R-4003, for networking information support for the Multinational Information Sharing Program (MNIS) for the U.S. Combatant Commands (COCOMS). The protester challenges the agency's evaluation of its past performance.

We deny the protest.

BACKGROUND

MNIS provides an information sharing environment enabling commanders to rapidly and effectively share information from U.S. partners operating across the strategic, operational, and tactical continuum. RFP at 55-56. The RFP, a small business set-aside, was issued June 11, 2012, and contemplated the single award of a fixed price, cost-plus fixed-fee contract, with cost reimbursement contract line items. RFP at 106. The contractor will furnish on-site systems engineering and technical support to maintain the full operational capability of the MNIS system. Id. Award

was to be made to the technically acceptable offeror whose proposal represented the best value considering cost/price and past performance, with past performance significantly more important than cost/price.

Regarding past performance, offerors were required to submit a minimum of three, but not more than four, past performance references considered most relevant in demonstrating their ability to perform the contract. The past performance of the seven offerors with the lowest cost/price was to be evaluated for recency, relevancy, and performance quality using “information submitted by the offeror and other sources such as other Federal Government offices and commercial sources.” RFP amend. 4 at 5, 8. To be viewed as recent, a contract must have been in place and ongoing for at least 6 months before the proposal due date, or must have been performed within 3 years of the date of issuance of the solicitation.

The solicitation further provided for an adjectival rating of very relevant, relevant, somewhat relevant, or not relevant, based on a determination of whether the services performed under other contracts, including those of joint venture partners and major and critical subcontractors, involved essentially the same, similar, some of, or none of the scope and magnitude of effort and complexities the current solicitation required. Id. at 9. Quality of performance was to be assessed as exceptional, very good, satisfactory, marginal, unsatisfactory, or not applicable, based on in-depth evaluation of the past performance questionnaire responses, information from the past performance information retrieval system (PPIRS), and interviews with government customers and commercial clients. Id. at 9-10. The evaluators were to use the above considerations to produce an integrated performance confidence rating representing an overall evaluation of contractor performance. As relevant to this protest, the ratings of substantial confidence and satisfactory confidence were defined as the government’s “high expectation” and “reasonable expectation,” respectively, that the offeror will successfully perform the required effort. Id. at 10-11.

The solicitation provided that if the technically acceptable offer with the lowest evaluated cost/price was assigned a substantial confidence performance rating, that offer would represent the best value to the government. RFP amend. 4, at 11. Otherwise, the source selection authority (SSA) would make an integrated, best value assessment. Id. at 7.

CWS and Vykin submitted offers which were found to be technically acceptable and among the seven lowest-cost/priced offers, thereby qualifying for further evaluation for past performance. CWS’ total cost/price of \$19,658,401 was second lowest

overall¹ and lower than Vykin's cost/price of \$20,048,336. Source Selection Decision Document (SSDD) at 3.

The agency assigned Vykin an overall past performance confidence assessment of substantial confidence.² Vykin submitted four past performance contracts as a subcontractor, all of which were determined to be recent and very relevant. The agency noted that, in the past performance assessments of the four contracts, Vykin's performance was reported to be either very good or exceptional, with no satisfactory ratings.

CWS submitted four past performance efforts, including two for CWS (one as prime contractor and one as subcontractor), and two for its teaming partner/subcontractor Raytheon (one as prime and one as subcontractor), all of which were determined to be recent. For one very relevant contract, CWS's performance received six very good and 13 exceptional ratings. For a second relevant contract, CWS's performance received all exceptional ratings.

In contrast, however, the past performance of CWS' subcontractor, Raytheon, was not rated so highly. For one very relevant task order, HC1028-08-D-2024/VC02 for MNIS design, Raytheon was initially reported as having only marginal performance. See AR, Tab 20, Raytheon Past and Present Performance Questionnaire. After receiving a response from CWS to a clarification request, DISA discovered that the customer's initial past performance questionnaire was not limited to Raytheon's performance under the task order referenced in CWS's proposal, order -2024/VC02 for MNIS design, but instead encompassed the customer's review of Raytheon's performance under all of its recent MNIS support contracts with the agency. DISA explains that it then requested that the customer provide a revised past performance questionnaire limited to task order -2024/VC02. AR at 9. The customer's final report indicated 14 satisfactory and 3 very good ratings. See AR, Tab 21, Revised Raytheon Past and Present Performance Questionnaire. According to the customer, "[o]verall Raytheon performance meets the contractual requirements There are pockets of excellence with a preponderance of average performance." AR, Tab 21, Revised Raytheon Past Performance and

¹ The lowest-priced offeror received a technical rating of reasonably susceptible of being made acceptable for its technical proposal and therefore was considered ineligible for award. SSDD at 4.

² The agency explained that, to achieve a substantial confidence rating, an offeror must have provided all recent and very relevant efforts with performance quality ratings ranging from very good to exceptional; Vykin and one other offeror had past performance that met that threshold. The agency also rated one other offeror's past performance as substantial confidence, where it met those requirements, except that it received a single satisfactory rating under one evaluated criteria in one past performance questionnaire. AR at 10.

Present Performance Questionnaire, at 2-3.³ For a second very relevant Raytheon past performance effort, for network architecture design and implementation, Raytheon received 2 satisfactory, 13 very good and 4 exceptional ratings. AR, Tab 19, Raytheon Past Performance and Present Performance Questionnaire. Given the above ratings, the agency assigned CWS an overall past performance confidence rating of satisfactory confidence.

Based upon the above past performance reports, DISA determined that Vykin's proposal represented the best value notwithstanding its higher cost/price. In this regard, the source selection authority explained that the decision to select Vykin was based on the quality of Vykin's past performance, which received ratings of very good to exceptional, whereas CWS's past performance received ratings of satisfactory to exceptional. SSDD at 5. In addition, the agency noted a slight difference in the relevance of past performance between the two offerors--i.e., all of Vykin's past performance efforts were deemed very relevant, whereas three of CWS' past performance efforts were deemed very relevant and one was relevant. Id. Upon learning of the resulting award to Vykin, CWS filed this protest with our Office.

DISCUSSION

CWS challenges the evaluation of its past performance. First, CWS argues that nothing in the record substantiates the agency's claim that CWS' past performance evaluation was based on a revised past performance report for task order -2024/VC02 (for MNIS design) limited to Raytheon's performance on that order. Instead, CWS claims that the record suggests the Raytheon's past performance appears to have been improperly based on Raytheon's performance under all of its recent MNIS support contracts, as initially reported by the customer.

This argument is without merit. As an initial matter, we note that both the rating team worksheet for CWS and the source selection decision refer only to the revised, limited past performance report for task order -2024/VC02. AR, Tab 11, CWS Rating Team Worksheet; SSDD at 4-5. Nothing in the record supports the claim that the CWS past performance confidence assessment was based upon the marginal ratings in the initial past performance report.

Moreover, we agree with DISA that, even if the protester was correct about the information used to evaluate Raytheon's past performance, the challenged information was appropriately reviewed under the terms of the RFP. The RFP provided that the government's assessment of past performance would include not

³ While the reference for task order -2024/VC02 used a rating scale that included good, but not very good, the agency, in its summary evaluation, reported the "good" as "very good" ratings for Raytheon. AR, Tab 11, CWS Rating Team Worksheet.

only information submitted by the offeror, but also “information submitted by . . . other sources” and “data independently obtained from other government and commercial sources.” RFP amend. 4 at 5, 8. The record indicates that the challenged past performance involves MNIS program support, making the challenged past performance relevant. Agency Comments, Jan. 18, 2013; compare AR, Tab 20, Raytheon Past and Present Performance Questionnaire with AR, Tab 21, Revised Raytheon Past and Present Performance Questionnaire. In addition, the marginal performance referenced in the initial past performance report was properly viewed as relevant, as it occurred under a contract effort commencing in February 2009 and ongoing. See AR, Tab 20, Raytheon Past and Present Performance Questionnaire. Under the terms of the RFP and the facts of this case, we see no basis to question the agency’s discretion to consider Raytheon’s marginal past performance contained in the challenged past performance assessment.

Second, the protester also challenges the agency’s evaluation methodology, asserting that the agency applied unstated evaluation criteria when it decided that only offerors with recent and very relevant past performance information, and ratings of very good and excellent performance quality, would receive a performance confidence assessment of substantial confidence. As explained below, we find the agency’s methodology reasonable.

The particular method of proposal evaluation utilized by an agency must provide a rational basis for source selection and be consistent with the evaluation criteria set forth in the solicitation. Brown & Root, Inc. and Perini Corp., a joint venture, B-270505.2, B-270505.3, Sept. 12, 1996, 96-2 CPD ¶ 143 at 9. This Office will not question an agency’s methodology where the past performance criteria were disclosed in the solicitation and evaluated consistent with the stated criteria, and the result has not been shown to be irrational. See Arcus Properties, LLC, B-406189, Mar. 7, 2012, 2012 CPD ¶ 107 at 8-9. In addition, there is no requirement that agencies disclose evaluation standards or guidelines for rating proposal features as more desirable or less desirable since agencies are not required to inform offerors of their specific rating methodology. Olympus Bldg. Servs., Inc., B-285351, B-285351.2, Aug. 17, 2000, 2000 CPD ¶ 178 at 5; ABB Power Generation, Inc., B-272681, B-272681.2, Oct. 25, 1996, 96-2 CPD ¶ 183 at 4.

As noted above, the protester has not challenged the assessment of the quality of Raytheon’s past performance under either of Raytheon’s past performance references. The information available to the agency concerning Raytheon’s performance of additional, relevant MNIS work, beyond that under task order -2024/VC02, included marginal ratings, while the work under task order -2024/VC02 itself received multiple satisfactory ratings. Given Raytheon’s no better than satisfactory performance, we cannot conclude that the agency’s application of its evaluation methodology has produced an irrational result. See Arcus Properties, LLC, supra. Simply put, we see nothing unreasonable in the agency’s assessment

of CWS's overall past performance confidence level as satisfactory, rather than substantial confidence.

The protest is denied.

Susan A. Poling
General Counsel