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Decision

Matter of: General Dynamics One Source, LLC

File: B-409869.3; B-409869.4

Date: September 8, 2014

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DIGEST

Protest that agency deviated from solicitation's stated desire for greater efficiencies in performance of requirements by finding fault with the protester's staffing reductions in option years is denied where the record reflects that the evaluation and competitive range determination were reasonably based on concern that proposed staffing reductions were not sufficiently supported for the agency to conclude that the reductions would not compromise the protester's ability to meet the solicitation requirements.

DECISION

General Dynamics One Source, LLC (GDOS) protests the exclusion of its proposal from the competitive range by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), under request for proposals (RFP) No. HSSCCG-13-R-00004, for the National Area and Transnational IT Operations and Next-Generation Support (NATIONS) task order. The task order is to be issued against a successful offeror's General Services Administration (GSA) Alliant prime contract. GDOS alleges that the agency's evaluation of its proposal was unreasonable and inconsistent with the terms of the RFP.¹

¹ The estimated value of the task order at issue is in excess of \$10 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of task orders under multiple-award indefinite-delivery, indefinite-quantity contracts. 41 U.S.C. § 4106(f)(1)(B).

We deny the protest.

BACKGROUND

USCIS issued the RFP on September 11, 2013, for the purpose of issuing a task order against the successful offeror's GSA Alliant contract, for the continuation of a wide range of technology services including: service desk support, field services support including deskside support, service center services, account management, hardware incident resolution, and transition and program management. The RFP explained that the required services were to support 230 domestic and 28 overseas USCIS sites, with approximately 24,000 users, 25,000 computers, 25,000 printers and peripherals, and 1,200 servers, among other IT devices.

The RFP explained that the task order would be a hybrid consisting of cost-plus-award-fee (CPAF), fixed-price-plus-award-fee (FPAF), and cost-reimbursement contract line item numbers (CLINS). The task order was to have a period of performance of one base year (including a 2-month transition), with two one-year option periods.

The RFP provided that award would be made on a best-value basis considering five evaluation factors: (1) management approach, (2) technical approach, (3) small business participation, (4) past performance, and (5) cost/price. Among these factors, management approach and technical approach were of equal importance, and were each more important than small business participation or past performance. Small business participation and past performance were of equal importance. The non-price factors, when combined, were significantly more important than cost/price. The RFP also provided that the government intended to issue a task order without discussions, but reserved the right to conduct discussions if the contracting officer determined discussions to be necessary.

Concerning the specific requirements, the performance work statement (PWS) established that the required service desk support consisted of operating a 24/7/365 single point of contact for all technology operations support, servicing an average of 24,000 to 30,000 incoming telephone calls and 13,000 to 15,000 incoming email and fax contacts per month. For the required field services/deskside support, the PWS required that:

The Contractor shall provide comprehensive local IT equipment support for systems and other items generally considered to be IT. The Contractor's end-user support staff shall have overall responsibility, under USCIS [Office of Information Technology] management direction, for the organization's entire end-user computing environment throughout USCIS The premise of the NATIONS requirement is to provide deskside support to

meet the needs of the task order. The Contractor shall provide a staffing model that delivers the support.

RFP at 40. For the service center services, the PWS explained that the contractor was required to support six service centers--large processing centers that receive and adjudicate applications and petitions for immigration benefits--which the PWS described as "critical to the USCIS mission." Id. at 48. For these service centers, the PWS required 24x6 (Monday-Saturday) on-site support, as well as various categories of additional support, including after-hours (Sunday) support for three service centers.

Initially, as relevant to the protest, a draft version of the PWS was distributed to the offerors and further indicated, concerning field services, that "the premise of the NATIONS requirement is a support ratio of 1:100 [deskside support staff per USCIS user] to meet the needs of the task order. The Contractor shall develop a staffing model based on that support ratio." See RFP, Amendment 1, at 4. This specification regarding the required support ratio, however, was removed from the final PWS included in the RFP.

Under the technical proposal instructions, the RFP provided in part that:

[The] Offeror shall describe its technical approach to performing all tasks in the PWS. In addition, the offeror shall propose efficient methods of performing the effort to help the Government streamline processes, eliminate duplication, and improve customer service.

RFP at 139. The RFP explained that efficient methods may include the use of, for example:

innovative web based systems, processes, or capabilities to better allow USCIS end users to open, engage, track, update, or otherwise locate trouble or service tickets; methods to introduce other processes to USCIS other than telephone, email or fax (describe speed and time savings to USCIS users versus calling and waiting in phone queues; advanced call management techniques such as call back processes versus waiting on hold, etc.) . . . and any technical capabilities to reduce USCIS end user time and effort to manually telephone in an individual problem, wait on hold, explain the new or existing problem, and then manually work to track and find out the status of the their issue until resolved.

Id. The RFP also emphasized the importance of "innovations and improvements in service delivery," indicating with regard to the award fee plan that, "Innovative

methods, techniques, or technologies and/or process improvements will be evaluated for their impact on effectiveness and efficiencies to accomplish overall requirements within schedule and budget.” RFP, Award Fee Plan, at 6.

Concerning staffing approach, to be evaluated under the management approach factor, the RFP indicated that the proposals should address “the extent to which the offeror proposes a workforce with the requisite skillsets, knowledge and capabilities that demonstrates the proposed staffing is adequate and sufficient to perform the PWS requirements.” RFP at 138. The RFP provided that USCIS would evaluate:

the Offeror’s proposal to the extent to which it presents a staffing plan, organizational structure and model capable of supporting Program Management; extent to which the offeror proposes a workforce with the requisite skillsets, knowledge and capabilities in support of their technical solutions and plan for maintaining full staffing level[.]

Id. at 145. The RFP also provided that USCIS’ evaluation would “include an assessment of the offeror’s proposed labor categories and mix that details the sufficiency and adequacy as it relates to their proposed technical solution.” Id.

USCIS engaged in questions and answers (Q&A) concerning the RFP prior to the time set for receipt of proposals. As it relates to staffing, the Q&A included various questions relating to the removal of the 1:100 deskside staffing ratio from the final PWS. In response to these questions, the agency confirmed that the final PWS controlled, and that the staffing ratio for deskside support was at the discretion of the contractor. See RFP, Amendment 1, at 4, 5.

GDOS, the incumbent contractor for the solicited requirements, was one of the Alliant prime contract holders to submit a proposal by the RFP’s October 24, 2013, closing date. After an initial evaluation, the agency rated GDOS’s proposal acceptable for management approach and technical approach, good for small business participation, and outstanding for past performance. Based on the results of the initial evaluation, the contracting officer determined that discussions were necessary and decided to establish a competitive range.

In establishing a competitive range, the contracting officer noted that only three offerors had received a rating higher than acceptable for either of the two most important evaluation factors--management approach and technical approach. In an email concerning the competitive range determination, the USCIS technical evaluation committee (TEC), also noted that the lower-rated proposals had a common, significant flaw--failure to sufficiently address field operations and service centers support. In the TEC’s view, the offerors “failed to understand that field operations and service centers are the bread and butter of USCIS,” where USCIS conducts its business. TEC Key Discriminators Email, May 1, 2014, at 1. The TEC

also found that most of the lower-rated offerors “included detailed descriptions of how they would support service desk and institute process improvements and other enhancements to that high visibility centrally located function, but seemed too willing to hand off field service support[.]” Id. Accordingly, the contracting officer selected for the competitive range the three offerors with higher ratings under the most-important management approach and technical approach factors.

On May 13, 2014, GDOS received a pre-award notice that its proposal was not among the most highly rated proposals and was no longer being considered for award. The notice provided that while pre-award debriefings were not required under the procurement, the contracting officer was prepared to provide a pre-award debriefing, if requested. GDOS requested a debriefing, which it received on May 20.

During the debriefing the agency acknowledged GDOS’s knowledge and experience as the USCIS service desk incumbent, but indicated that “[d]espite your knowledge and experience, staffing is the main reason for not considering your proposal further.” Agency Report (AR), Tab 18, Debriefing, at 1. More specifically, the debriefing explained that GDOS’s proposal had been assessed weaknesses where it called for reduction of service desk staffing from [DELETED] FTEs to [DELETED] FTEs in the first option year, field services staffing from [DELETED] FTEs to [DELETED] FTEs by the second option year, and service center support from [DELETED] FTEs to [DELETED] FTEs by the second option year, without substantiating efficiencies sufficient enough to enable such reductions. The debriefing also noted a weakness because GDOS presented its field location staffing in the aggregate, such that the TEC was not able to assess the adequacy of the model to meet the PWS requirements for all USCIS locations, and because the proposal was not clear as to 24x6 on-site staffing for the service centers. Finally, the debriefing relayed criticism of GDOS’s plans for the program manager and deputy program manager key personnel. Subsequent to this debriefing, GDOS filed the subject protest on May 30.

DISCUSSION

GDOS raises various arguments concerning the agency’s exclusion of its proposal from the competitive range. However, based on the record of the evaluation findings and competitive range determination, which illustrate that the proposed staffing models were the primary discriminator in determining the proposals selected for the competitive range, this decision focuses primarily on GDOS’s allegations concerning the agency’s evaluation of its staffing.²

² Concerning additional arguments presented by the protester but not addressed in this decision, we have reviewed the record and concluded that they do not provide a basis on which our Office would sustain the protest.

Regarding its staffing approach, GDOS argues that the agency's underlying concerns about its low staffing levels, which formed the basis for GDOS exclusion from the competitive range, were fundamentally at odds with the basis on which the RFP instructed the offerors to prepare their proposals. In its view, the RFP reflected the agency's desire for a more efficient staffing model where it asked firms to provide "next-generation" support by "leveraging IT capabilities to more effectively and efficiently provide IT support throughout USCIS by handling more service requests through the centralized service desk." Comments at 9. In this regard, GDOS cites the technical approach instruction to propose efficient methods and streamline processes, and the RFP's focus on innovations in connection with the award fee plan. By rejecting GDOS's efforts to propose a more efficient staffing model, GDOS contends that the agency abandoned the RFP's focus on innovation, remote support, and reduction of desk side support at the field site and service centers. GDOS also asserts that the agency instituted an unstated evaluation criteria by essentially holding the offerors to the 1:100 support ratio that was removed from the PWS, ignored efficiencies set forth in its proposal that would enable staffing reductions, and unreasonably evaluated its proposal for service center support and key personnel.

In reviewing challenges to the agency's evaluation of proposals, we do not reevaluate proposals, but, rather, review the agency's evaluation to ensure that it was reasonable, consistent with the terms of the solicitation, and consistent with applicable statutes and regulations. Philips Med. Sys. N. Am. Co., B-293945.2, June 17, 2004, 2004 CPD ¶ 129 at 2. An offeror's disagreement with the agency's evaluation is not sufficient to render the evaluation unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

Evaluation of GDOS's Staffing

With regard to the allegation that the agency's evaluation of GDOS's leaner staffing approach was contrary to the RFP's call for greater innovation and efficiencies, we find that GDOS's protest misinterprets the RFP's emphasis on "efficiencies." The RFP's stated desire to achieve efficiencies focused on reduction of USCIS end user time and effort in resolving IT issues, not necessarily on reduction of contractor staff and costs needed to support the agency's requirements. For example, the proposal preparation instructions, cited by the protester, outline the agency's desire for a contractor to "help the Government streamline processes, eliminate duplication, and improve customer service," and to provide "technical capabilities to reduce USCIS end user time and effort." RFP at 139 (emphasis added). Further, the award fee criteria at issue were premised on the implementation of "efficiencies to accomplish overall requirements within schedule and budget," and did not explicitly request reduction of staffing or costs. RFP, Award Fee Plan, at 6.

In fact, none of the RFP provisions concerning efficiencies cited by the protester emphasizes reduction of staffing levels or cost/price at the expense of level of service. Rather, increased efficiency was largely addressed within the context of USCIS end-user outcomes. The RFP's emphasis on efficient user support (whether desk-side or remote), rather than on staff and cost reduction, is also evident in the RFP's evaluation criteria, where the relative importance of the criteria greatly favored consideration of an offeror's management and technical approaches over cost/price. Accordingly, we have no basis to find that the agency evaluated GDOS's proposal in a manner inconsistent with the solicitation when it considered whether GDOS's significantly reduced option year staffing was supported by sufficient efficiencies to allow that staffing level to meet the level of service required by the PWS.

Nor do we consider it inappropriate for the agency to have considered whether GDOS's staffing information was sufficient to substantiate its ability to meet the PWS requirements for all USCIS locations, or to assign a weakness where the offeror did not present sufficiently detailed staffing information to permit the TEC to determine the adequacy and sufficiency of the staffing to meet the PWS requirements. The PWS established that the contractor shall provide a staffing model that delivers the required field services support, the RFP instructions advised offerors to address "the extent to which the offeror proposes a workforce with the requisite skillsets, knowledge and capabilities that demonstrates the proposed staffing is adequate and sufficient to perform the PWS requirements," and the evaluation criteria included analysis of the sufficiency and adequacy of staffing as it related to the proposed technical solution. While these RFP provisions did not explicitly require proposals to provide staffing information on a location-specific basis, they do envision a thorough evaluation of the proposed staffing model's ability to deliver the PWS requirements.

In evaluating proposals, an agency properly may take into account specific, albeit not expressly identified, matters that are logically encompassed by, or related to, the stated evaluation criteria. Independence Constr., Inc., B-292052, May 19, 2003, 2003 CPD ¶ 105 at 4. It is an offeror's responsibility to submit a proposal that establishes its capability and the technical merits of its proposed approach, and allows for a meaningful review by the procuring agency in accordance with the evaluation terms of the solicitation. See Verizon Fed., Inc., B-293527, Mar. 26, 2004, 2004 CPD ¶ 186 at 4.³

³ GDOS also asserts that the agency's evaluation of its staffing approach was improper where the RFP did not require the submission of a staffing plan with the proposal. GDOS's emphasis on the "staffing plan" is misplaced. As the agency points out, the required post-award staffing plan was a specific document addressing the certification of various personnel and was not for the submission of the offeror's detailed staffing approach to fulfill the requirements of the PWS.

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We also reject GDOS's allegation that the agency improperly held firms to the 1:100 deskside support ratio from the draft PWS, which had been specifically removed from the final RFP. The record reflects that GDOS proposal was not found to be unacceptable for proposing a deskside staffing support ratio lower than 1:100. In fact, it is apparent that GDOS's base period support ratio was less than 1:100, yet, none of the weaknesses assigned to GDOS's proposal were premised on the level of support proposed by GDOS for the base period of performance. Rather, the criticisms related to GDOS's decision to propose significant reductions of staffing in the option periods without substantiating sufficient efficiencies to enable such a reduction, and the lack of data concerning proposed staffing for the various USCIS locations.

GDOS also argues that the agency ignored efficiencies identified in its proposal that justified the significant staffing reductions for the option periods. The record, however, does not support GDOS's contention. In this regard, the record reflects that the TEC was aware of the proposed efficiencies, but, for the service desk services, field services, and service centers, the TEC concluded that the efficiencies proposed did not support the staffing level reductions proposed. Specifically, the TEC found as follows:

The proposal does not contain specific details that show efficiencies substantive enough to reduce work volume in this time frame. Therefore the [TEC] is unable to clearly determine if the level of staffing is sufficient to perform all the PWS task of the RFP.

AR, Tab 10, TEC Report, at 12 (emphasis added).

The contracting officer further explained the basis for the TEC's findings. For example, concerning service desk services, the contracting officer noted that GDOS proposed [DELETED] and [DELETED]. While both approaches could reduce incoming call volumes, the contracting officer explained that they would not reduce the total number of services requests, and are therefore unlikely to support the staffing reductions set forth in GDOS's proposal. Additionally, the contracting officer explained that many of GDOS's proposed efficiencies were premised on technology improvement projects that are unfunded, and/or already delayed by budget constraints, and may not be realized in the near future. In sum, the record demonstrates that the agency considered the efficiencies set forth in GDOS's proposal, and for various reasons simply disagreed that the efficiencies were likely

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Rather, we conclude that the offeror's staffing model was to be provided in the proposal and evaluated by the agency. See, e.g., RFP at 40, 145.

to enable GDOS to significantly reduce option period staffing while meeting the PWS requirements.

Additionally, GDOS acknowledges that many of its claimed efficiencies were set forth in its business proposal--which was not provided to the TEC--rather than in its technical proposal. Although GDOS maintains that this information should have been considered by the agency in its evaluation of GDOS's proposal under the management approach factor, we see no error in the agency's evaluation

The RFP specified that substantiation of the staffing model was to be addressed in the technical proposal, and evaluated under the management approach factor. The technical proposal was subject to a page limit of 125 pages. While the record shows that approximately [DELETED] pages of GDOS's business proposal did provide further substantiation of the proposed efficiencies that it believes support its proposed reduction in staffing, it would have been improper for the TEC to review this material and allow GDOS to, in effect, supplement its technical proposal beyond the 125-page limit. See Outreach Process Partners, LLC, B-405529, Nov. 21, 2011, 2011 CPD ¶ 255 (permitting a protester to satisfy requirements for one section of a proposal by reference to another section of the proposal would improperly circumvent proposal page limits, without allowing other offerors the same opportunity).

Service Center Support

GDOS also asserts that the agency's evaluation of its proposal was unreasonable concerning a weakness assessed in the area of service center support. Specifically, the TEC assessed a weakness where it found that GDOS "proposes using [DELETED]," which the TEC considered potentially incompatible with the requirement to provide 24x6 on-site service center support. AR, Tab 10, TEC Report, at 12. The TEC concluded that it was "unable to determine if on-site support would be provided, or if staff would be recalled [DELETED]." Id. GDOS contends that the agency's reading of its proposal is unreasonable, where the proposal provided that "IT teams at the service centers work three shifts 6 days a week," and it would provide "responsive and customer focused support . . . twenty-four hours a day and six days a week." GDOS Comments at 3.

We conclude that the agency's concern relating to GDOS's proposal of [DELETED] for service center support had a reasonable basis. As noted by the agency, GDOS's proposal includes several ambiguous references to providing after-hours support using its [DELETED]. For example, the proposal states that "[t]he [DELETED] identifies IT staff available for after-hours support and its rotated schedule at [the service centers]," and that "GDOS provides [DELETED] where IT staff [DELETED] and available for after-hours support." AR, Tab 9, GDOS Technical Proposal Part 2, at 64. The agency explains, and the RFP reflects, that there was no after-hours support to be provided, with the exception of Sundays.

On-site coverage was expected 24 hours 6 days per week (Monday-Saturday). While the proposal does also represent that the IT teams at the service centers work three shifts 6 days a week, the additional general references to providing after hours support through [DELETED], provide a reasonable foundation for the agency's concerns regarding the clarity of GDOS's proposal.

Key Personnel

With regard to GDOS's key personnel, the agency was concerned that both GDOS's program manager and deputy program manager appeared to have multiple roles. Specifically, the candidate for the program manager position was also listed as the "Vice-president of [General Dynamics Information Technology's] DHS Enterprise Services," and the candidate for the deputy program manager position was also listed as having substantial responsibility for performing field operations support. AR, Tab 10, TEC Report, at 12. GDOS contends that the agency had no reasonable basis for this criticism where the program manager was allocated to the NATIONS task order for [DELETED] hours per year, and where the TEC provided no explanation for why the deputy program manager could not fulfill the roles specified. We again conclude that the agency's evaluation was reasonable.

Notwithstanding GDOS's commitment of the program manager for [DELETED] hours per year, the agency had a reasonable basis to question the viability of GDOS's representation where its proposal suggested that the program manager will also have another presumably full time job as "Vice-president of [General Dynamics Information Technology's] DHS Enterprise Services." Concerning the deputy program manager, the contracting officer explained that the agency was concerned about the ability of deputy program manager to perform the numerous tasks assigned by GDOS in its proposal. In this regard, the proposal listed the deputy program manager candidate as responsible for [DELETED]. Given the variety and quantity of responsibilities assigned to the deputy program manager in GDOS's proposal, we conclude that the TEC's concern over whether one individual could fill the role was not unreasonable.

Other Allegations

GDOS also presents several other arguments that we conclude would not provide a basis to sustain the protest, even if our Office were to determine that the agency acted in error. For example, GDOS challenges the past performance evaluation of one of the offerors admitted to the competitive range, alleging that no reasonable evaluation could have rated the offeror's past performance as outstanding/low risk. However, where we have determined that the agency was not unreasonable in excluding GDOS from the competitive range, GDOS is not an interested party to challenge the qualifications of the firms admitted to the competitive range. See edCount, LLC--Protest and Costs, B-407556.3 et al., Aug. 15, 2013, 2013 CPD ¶ 195 at 9-10.

Next, GDOS argues that the business proposal evaluation team unreasonably identified its price/cost as unrealistic. In this regard, the record reflects that as part of the agency's evaluation of GDOS's price/cost proposal, the business proposal evaluation team noted the reduction in GDOS's staffing levels in the option years and considered the TEC findings, as previously discussed. Based on the TEC's concerns regarding the lack of support for GDOS's option year staffing reductions, the business proposal evaluation team evaluated GDOS's related cost CLINs to be unrealistic. Business Proposal Evaluation Committee Report, at 41-42.

The protester argues that the concerns regarding the realism of its costs were unreasonable because the business evaluation team did not consider the information in its business proposal that supported its identified staffing reductions. In essence, GDOS again seeks to augment its technical approach with information from its business proposal. As previously discussed, however, substantiation of GDOS's staffing model should have been included in its technical proposal.

In any event, we conclude that there is no reasonable possibility that GDOS was prejudiced by the evaluation in this regard. Our Office will not sustain a protest unless the protester demonstrates a reasonable possibility that it was prejudiced by the agency's actions, that is, unless the protester demonstrates that, but for the agency's actions, it would have had a substantial chance of receiving the award. McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3; see Statistica, Inc., v. Christopher, 102 F.3d 1577, 1581 (Fed. Cir. 1996).

As discussed above, the primary reason for GDOS's exclusion from the competitive range related to substantiation of its staffing model, not cost/price. In fact, the record reflects that the agency's competitive range determination considered GDOS's proposed price/cost as submitted, and the realism of GDOS's price/cost was not discussed as part of the competitive range analysis. Further, price/cost was significantly less important than the technical evaluation factors in this case. Accordingly, because we have concluded that the agency's evaluation of GDOS's staffing model was reasonable, and this was the basis underlying GDOS's exclusion from the competitive range, we cannot conclude that correction of an alleged error in the agency's consideration of GDOS's price/cost would have resulted in GDOS being admitted to the competitive range.

The protest is denied.

Susan A. Poling
General Counsel