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Decision

Matter of: Trofholz Technologies, Inc.

File: B-404101

Date: January 5, 2011

Steven N. Tomanelli, Esq., for the protester.
Michael G. McCormack, Esq., Col. Mark S. Teskey, and Paul H. Blackwell, Jr., Esq.,
Department of the Air Force, for the agency.
Christina Sklarew, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Agency's evaluation and selection decision are unobjectionable, where the evaluation and the award determination are reasonable and consistent with the solicitation's stated evaluation criteria.

DECISION

Trofholz Technologies, Inc., of Rocklin, California, protests the award of a contract to Spiral Solutions and Technologies, Inc., of Omaha, Nebraska, under request for proposals (RFP) No. FA7037-10-R-1001, issued by the Department of the Air Force for maintenance and support services for the Air Force Language Portal.

We deny the protest.

BACKGROUND

The Air Force Language Portal is used to track the training status and capabilities of Air Force linguists and to provide online training in foreign languages and cultures. The portal provides language and culture materials on unclassified and classified (secret and top secret) networks, supporting as many as 50,000 linguists. Contracting Officer's (CO) Statement at 2; RFP, Statement of Work (SOW), at 46.

The RFP, issued as a section 8(a) competitive procurement, provided for the award of a contract for a base year and 2 option years for the maintenance and enhancement of the agency's system hardware and for the enhancement of the language portal website. SOW at 46-47. The contractor is required to ensure that access to the portal is available on 24-hour per day, 365-days per year basis. Offerors

were informed that the contractor must deliver and deploy the classified systems within 6 weeks of the contractor’s receipt of required hardware and software from the agency. Id. at 47. Offerors were also informed that maintenance of the portal’s classified and unclassified servers would include “updating databases, creating queries and reports, Automated Data-Processing Equipment (ADPE) accountability and uploading and updating language and cultural resources.” Id.

The RFP provided that award would be made on a best value basis, considering the following evaluation factors, listed in descending order of importance: mission capability, past performance, and cost/price. The non-cost/price factors were stated to be, when combined, significantly more important than cost or price. RFP at 39.

The mission capability factor included two subfactors, basic needs and management approach, which were listed in descending order of importance. Offerors were informed that, under the basic needs subfactor, the agency would evaluate, among other things, the offeror’s understanding of, and demonstrated ability to, meet the SOW requirements, and whether its proposed personnel had requisite expertise. RFP at 40. Under the management approach subfactor, the agency would evaluate an offeror’s concept for minimizing management oversight and such management abilities as staffing and coordinating work. Id. at 41.

The RFP provided that the mission capability factor would be assessed for both technical merit and for performance risk. The technical rating would assess an offeror’s demonstrated understanding of the SOW requirements, and would take into account such elements as the offeror’s technical expertise and planned approach to the SOW requirements. The risk rating was to focus on the weaknesses associated with an offeror’s proposed approach, and would consider any potential for disruption of schedule, increased cost, and similar elements that could result in unsuccessful contract performance. Id. at 40-42.

The agency received proposals from four offerors, including Trofholz (the incumbent contractor) and Spiral. Trofholz’s and Spiral’s proposals were evaluated as follows:

		Trofholz		Spiral	
Mission capability		Technical	Risk	Technical	Risk
	Basic needs	Acceptable	Moderate	Exceptional	Low
	Management approach	Acceptable	Low	Acceptable	Low
Past performance		Substantial Confidence		Substantial Confidence	
Price		\$5,435,735.20		\$5,478,364.80	

Agency Report (AR), Tab 9, Best Value Determination, at 28.

Trofholz’s “acceptable” and “moderate risk” ratings under the basic needs subfactor reflected the evaluators’ judgment that, although Trofholz (which had created the current portal) demonstrated a thorough understanding of the future vision for the

language portal and of blending technology and language learning, its proposal contained some weaknesses. Specifically, the evaluators found Trofholz did not address ADPE accountability in its proposal. AR, Tab 8, Consensus Technical Evaluation, at 4. In addition, the evaluators found that Trofholz had not adequately addressed the use of the classified Secret Internet Protocol Router Network (SIPRNet) and the Joint Worldwide Intelligence Communications System (JWICS) networks in its proposal. Moreover, the evaluators found that Trofholz proposed providing support for the classified networks beginning April 2011, or 6 months into the basic contract performance period, whereas the solicitation requires 12 months of support. Id. at 5.

Spiral's "exceptional" and "low risk" ratings under the basic needs subfactor reflected the evaluators' judgment that Spiral had demonstrated a thorough understanding of the requirements, had experience in deploying software on classified systems, and proposed instructors whose experience far exceeded the SOW requirements. Id. at 2. The evaluators identified no weaknesses in Spiral's proposal under this subfactor.

The CO, who was the source selection authority, reviewed the evaluation findings and concluded that Spiral's higher-priced proposal offered the best value to the government. Specifically, the CO noted various aspects of Spiral's proposal that the CO considered to be superior, such as its staff's extensive experience in military management and knowledge of management processes; the firm's approach to team development; its availability of information technology and foreign language specialists; and its high employee retention rates. Id. at 28. The CO found that Spiral's higher technical merit outweighed Trofholz's slightly lower price. In this regard, the CO noted that the difference between Spiral's and Trofholz's prices was only \$42,629.60, or about 1 percent. Id. at 28-29.

The Air Force made award to Spiral. Following a debriefing, Trofholz filed this protest with our Office.

DISCUSSION

Trofholz challenges the agency's evaluation of its proposal for the basic needs subfactor under the mission capability factor, arguing that it should not have been downgraded for its approach to providing SIPRnet and JWICS support or for ensuring ADPE accountability.

In reviewing protests of alleged improper evaluations and source selection decisions, it is not our role to reevaluate submissions; 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. Panacea Consulting, Inc., B-299307.4, B-299308.4, July 27, 2007, 2007 CPD ¶ 141 at 3. A protester's mere disagreement with an agency's judgment is not sufficient to

establish that an agency acted unreasonably. Entz Aerodyne, Inc., B-293531, Mar. 9, 2004, 2004 CPD ¶ 70 at 3.

With regard to the Air Force's assessed concern with Trofholz's approach to the classified networks, the crux of protester's arguments is that the agency misunderstood Trofholz's proposal. Specifically, Trofholz argues that, although it proposed providing support for the classified networks beginning 6 months into contract performance (based upon Trofholz's belief that this was when the language portal would be approved to work on these systems, see Trofholz's Technical Proposal at 37), Trofholz recognized that it was obligated to provide language portal support for the SIPRnet and JWICS networks, at no additional cost to the agency, at whatever point the language portal became available on these networks. Comments at 3. In this regard, Trofholz cites to a number of general statements in its proposal where the firm stated it would perform all SOW requirements. Id. at 4, citing Trofholz's Technical Proposal at 36 (Trofholz "is prepared to meet the requirements of the solicitation and SOW upon award").

We find from our review of the record that the Air Force reasonably assessed a weakness under the basic needs subfactor for Trofholz's failure to adequately address its support for the classified networks and its failure to propose providing this support within 6 weeks of the contractor's receipt of required hardware and software from the agency, as required by the RFP. Apart from Trofholz's general statements that it would comply with the contract requirements, its proposal does not describe the support it would provide for these classified networks.¹ The proposal also does not state, as Trofholz now contends, that the firm would provide support for the classified networks before April 2011.² To the extent that Trofholz believes otherwise, it is an offeror's responsibility to submit an adequately written proposal that demonstrates the merits of its approach; an offeror runs the risk of

¹ Trofholz's protest arguments do not specifically address the Air Force's evaluation concern that Trofholz failed to adequately address the requirements for the language portal to reside on the SIPRnet and JWICS networks.

² Trofholz also argues that Spiral's approach to providing support for the classified networks was essentially similar, citing a sentence from Spiral's proposal that states, that "[u]pon contract award (and once the government delivers hardware accreditation), our Program Manager will develop an augmentation plan." See Comments at 5, citing Spiral's Technical Proposal at 7. This argument, however, ignores the remainder of Spiral's proposal, which in numerous places describes the firm's support for the classified networks and specifically states it "will take into account the specifics of the system deployment to deliver the existing system to the Secret and [Top Secret/Sensitive Compartmented Information] networks within 6 weeks of receipt of required hardware and software from the government." Spiral's Technical Proposal at 8.

having its proposal downgraded or rejected if the proposal is inadequately written. James Constr., B-402429, Apr. 21, 2010, 2010 CPD ¶ 98 at 4-5.

Trofholz also disagrees with the agency's assessment that the protester did not address ADPE accountability in its proposal.³ Specifically, Trofholz cites a sentence in the past performance portion of its proposal, which states that Trofholz has managed and protected equipment within its control, "including account and inventory control using the USAF Automated Data Processing Equipment accountability system." Protest at 8-9, citing Trofholz's Technical Proposal at 78. Also, Trofholz notes various sections of its mission capability proposal, which it claims "describe the ADPE accountability tasks" that Trofholz would perform. Trofholz argues that, although these statements do not use the phrase "ADPE accountability," they describe tasks, which Trofholz argues the evaluators should have recognized as comprising ADPE accountability. For example, Trofholz quotes a statement that its engineers "have implemented a standardized process to ensure the detailed system configuration is well-documented and maintained" and asserts that documentation of the "detailed system configuration" requires that all ADPE be accounted for in terms of its age, condition, location and usage. In another example, Trofholz states that it has "assumed full responsibility for the Language Portal's configuration and accreditation," and posits that "full responsibility" would necessarily include maintaining accountability of the ADPE platforms supporting the Language Portal. Comments at 8.

The record shows that the Air Force reasonably found that Trofholz failed to address ADPE accountability in its proposal. Although Trofholz now cites to a number of general statements in its proposal that it asserts comprise ADPE accountability, no part of its proposal specifically addresses this SOW requirement. Again, it is an offeror's responsibility to submit an adequately written proposal that demonstrates the merits of its approach. James Constr., supra, at 4-5; see also Managed Care Concepts, LLC, B-402750, July 15, 2010, 2010 CPD ¶ 164 at 4 (no matter how competent an offeror may be, the technical evaluation must be based on information included in the firm's proposal). Given that the RFP stated that the agency would evaluate under the basic needs subfactor an offeror's understanding of, and ability to meet, the SOW requirements, we find reasonable the agency's identification of the lack of any direct explanation of the firm's approach to ADPE accountability as a proposal weakness.

Trofholz argues that the agency evaluated its and Spiral's proposals disparately with respect to ADPE accountability. Specifically, Trofholz contends that Spiral's

³ Trofholz also argues in its comments that the RFP failed to fairly inform offerors of the need to address ADPE accountability. Comments at 5-6. We find that challenge to be untimely, inasmuch as Trofholz knew the basis of this protest allegation when it filed its initial protest.

proposal merely recites Air Force procedures regarding ADPE accountability, which Trofholz asserts is no different than the general statements identified above. We find no merit to Trofholz's arguments in this regard. Unlike the protester's proposal, Spiral specifically commits in its proposal to perform ADPE accountability in accordance with Air Force requirements and describes how it will do so. See Spiral's Technical Proposal at 13. Simply stated, we do not find that the Air Force disparately evaluated the two firms' proposals with respect to ADPE accountability.

Trofholz also argues that the agency did not separately assess technical merit and risk in its evaluation of the mission capability factor, as provided in the RFP. The crux of this argument is that the agency improperly based its risk rating for the basic needs subfactor upon Spiral's technical rating for this subfactor, and in so doing, "double counted" the technical rating.

Spiral's risk rating under the basic needs subfactor was "evaluated as LOW due to the exceptional rating for Basic Needs and the acceptable rating for Management Approach." See AR, Tab 8, Technical Evaluation Consensus, at 1. This is consistent with the RFP's evaluation methodology, which stated that the mission capability risk rating would focus "on the weaknesses associated with an offeror's proposed approach." RFP at 41. Here, the agency identified multiple strengths in Spiral's technical approach and no weaknesses under this subfactor. Although the evaluators did not specifically state that the exceptional approach and lack of weaknesses would translate into little potential to cause disruption, increased cost, or degradation of performance,⁴ the import of such a technical rating (with no weaknesses) is that there would be little potential for disruption, increased cost, or degradation of performance. Similarly, Trofholz's identified weaknesses, which the CO concluded increased the risk of nonperformance, see AR, Tab 9, Best Value Determination, at 29, merited a moderate risk rating, which the RFP defined as "can potentially cause disruption of schedule, increased cost or degradation of performance." RFP at 42.

The protest is denied.

Lynn H. Gibson
Acting General Counsel

⁴ The RFP defined a low risk rating as "little potential to cause disruption of schedule, increased cost or degradation of performance." RFP at 42.