



G A O

Accountability \* Integrity \* Reliability

Comptroller General  
of the United States

United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Planned Systems International, Inc.; Technical Professional Services, Inc.

**File:** B-408685.7; B-408685.11

**Date:** June 13, 2014

---

David T. Truong, Esq., for Planned Systems International, Inc.; Arnaldo Rodriguez for Technical Professional Services, Inc., the protesters.  
John E. Cornell, Esq., General Services Administration, for the agency.  
Pedro E. Briones, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

---

### DIGEST

Protests of an agency's evaluation of the protesters' proposals are denied where the agency reasonably evaluated the proposals in accordance with the solicitation's stated, multi-phase evaluation scheme.

---

### DECISION

Planned Systems International, Inc. (PSI), of Arlington, Virginia, and Technical Professional Services, Inc. (TPS), of Wayland, Michigan, protest the rejection of their proposals under request for proposals (RFP) No. GS00Q-13-DR-0002, issued by the General Services Administration (GSA) as a small business set-aside for the award of multiple contracts supporting the agency's One Acquisition Solution for Integrated Services (OASIS) program.

We deny the protests.<sup>1</sup>

---

<sup>1</sup> Because a protective order was not issued in connection with the protests, our decision is necessarily general. Our Office issued a separate decision resolving five protests that were subject to a protective order. See ADNET Sys., Inc., et al., B-408685.3, et al., June 9, 2014, 2014 CPD ¶ \_\_.

## BACKGROUND

GSA's OASIS program will provide a government-wide procurement vehicle for ordering a broad range of professional services.<sup>2</sup> To accomplish this, GSA issued two solicitations (each of which was amended numerous times): the RFP here, which was set aside for small businesses, and RFP No. GS00Q-13-DR-0001, which was issued on an unrestricted basis.<sup>3</sup> The two solicitations provide for the award of multiple (nearly 500) indefinite-delivery, indefinite-quantity (IDIQ) contracts, under which any federal agency could issue fixed-price, cost-reimbursement, time-and-materials, or labor-hour task orders for any of six "core disciplines" of professional services: program management, management consulting, logistics, engineering, scientific, and financial services. Agency Report (AR) at 1; RFP at 10, 19-23. The RFP here spans 28 North American Industry Classification System (NAICS) codes, 6 NAICS code exceptions, and numerous Product Service Codes (PSC), and is grouped by business size standard into seven contract "pools," each having a "predominant" NAICS code.<sup>4</sup> RFP at 10, 86-87, 101-4.

The small-business RFP stated that awards would be made to the highest technically-rated offerors with fair and reasonable prices, considering the following five factors: responsibility; relevant experience; past performance; systems, certifications, and clearances; and price. See id. at 129-30. Offerors were informed that GSA would award 40 contracts each for pools 1, 2, 3, 4, and 6; and award 20 contracts each for pools 5A and 5B. Id. at 87, 129. Offerors were allowed to compete under more than one pool, but were instructed to submit a single proposal. Id. at 99.

Extensive and highly detailed instructions were provided for preparing proposals and submitting necessary documentation. The RFP stated--repeatedly, and emphatically--that submissions had to be clear and that the agency would strictly enforce all proposal submission requirements. See id. at 129.

Among other things, offerors were required in their proposals to identify a number of completed or current projects: two pool qualification projects, which would establish an offeror's eligibility to compete for a given pool, and at least three, but

---

<sup>2</sup> See [www.gsa.gov/oasis](http://www.gsa.gov/oasis). GSA's OASIS procurement is distinct from the procurement of the Department of Homeland Security, Transportation Security Administration, for Operational Applications Support and Information Services (also referred to as "OASIS").

<sup>3</sup> Our citations are to the conformed version of the small business RFP.

<sup>4</sup> NAICS codes classify businesses for statistical purposes and are used by the Small Business Administration to establish business size standards; PSC codes describe the product or service purchased. See [www.acquisition.gov](http://www.acquisition.gov).

no more than five, relevant experience projects, which would be scored under the RFP's screening and evaluation process (discussed below) in accordance with a point scoring table provided by the RFP. See id. at 99-100, 113-14, 129-30, 141, 157, 178. Both qualification projects and relevant experience projects could be projects completed under a federal contract, or under a task order issued under specified IDIQ contracts or blanket purchase agreements (BPA). See id. at 113, 152. The same federal contracts or task orders could be cited as both pool qualification and relevant experience projects, but an offeror was required to comply with separate submission requirements. See id. at 100.

As pertinent here, pool qualification projects had to correspond directly to a NAICS code, NAICS code exception, or PSC code, for the applicable OASIS pool. Id. at 99. Offerors were required to provide in their proposals a copy of an official award document for each qualification project, and a Federal Procurement Data System (FPDS) report, if one existed, to validate the project's NAICS or PSC code.<sup>5</sup> Id. at 100. The RFP stated that, in the event of a conflict between the NAICS or PSC code identified in the FPDS report and the code identified in the proposal documentation, the code in the FPDS report would control, unless the offeror submitted a statement from the project's contracting officer that--of significance here--identified the "erroneous" NAICS or PSC code, explained the discrepancy, and provided a revised code, among other things. See id.

The RFP provided a self-scoring worksheet for offerors to claim points as specified in the RFP's scoring table for various elements under the relevant experience, past performance, and systems, certifications, clearances factors.<sup>6</sup> See RFP at 104; attach. 5.A, Self-Scoring Worksheet. For example, for each relevant experience project, offerors could claim an increasing number of points for a project's dollar value, number of OASIS core disciplines performed, and performance in multiple locations or outside the continental United States, among other things. The RFP included a sample, completed self-scoring worksheet as an example for offerors to use in filling out their own worksheet. See RFP, attach. 5.B, Sample Self-Scoring Worksheet.

The solicitation's exacting proposal requirements were matched by a similarly intricate, multi-phased evaluation, beginning with an initial screening process for verifying that an offeror provided the documents identified in its proposal checklist

---

<sup>5</sup> If no FPDS report was available, then the offeror was required to provide other verifiable evidence from an official government document that explicitly identified the NAICS or PSC code for that project. See RFP at 100.

<sup>6</sup> Pool qualification projects and responsibility would not be scored, but would be the subject of an "acceptability review" on a pass/fail basis. See RFP at 131-32, 157.

and that corresponded to the offeror's self-scoring worksheet.<sup>7</sup> Id. at 129. Proposals that passed the initial screening would be preliminarily ranked according to offerors' self scores. See id. at 129-30. The top-ranked proposals (the top 40 or 20 depending on the pool, see supra at 2 (awards per pool)) would then be the subject of a more detailed evaluation on a pass/fail acceptability basis under the non-price evaluation factors. Id. at 130. The documentation for those proposals that passed the acceptability review would be further evaluated; any unsubstantiated points claimed by an offeror (under the relevant experience; past performance; and systems, certifications, and clearances evaluation factors) would be deducted; and proposals would be re-ranked according to their new evaluated scores. See id. at 130-41; AR at 4. Finally, proposals that remained in the top 40 or 20 ranking would be evaluated for price reasonableness.<sup>8</sup> See id. at 130, 143. The RFP stated that this evaluation cycle would continue until the top 40 or 20 offerors in each pool with a fair and reasonable price were identified. Id. at 130.

GSA received 330 proposals under the RFP, including, as pertinent here, 186 proposals for pool 1 and 97 proposals for pool 4. AR, Tab 12, Source Selection Decision, at 1.

PSI, which competed under pool 4, identified two task orders as pool qualification projects.<sup>9</sup> For each project, PSI provided award documentation, an FPDS report, and a brief letter from the project's contracting officer. AR, Tab 6, PSI Proposal, at 1, 92-95, 227-8. The FPDS reports identify a principal NAICS code of 541519 for each task order. Id. at 93-94, 227-8. However, as relevant here, the project contracting officers each submitted a letter stating that they had determined that the task orders "fall" under NAICS code 541712.<sup>10</sup> Id. at 92, 226. The letters also included a brief summary of the project's statement of work. Id. Neither letter suggested that the NAICS codes identified in the FPDS reports were entered incorrectly or explained the apparent discrepancy.<sup>11</sup> AR, Tab 6-1, PSI Evaluation, at 19. With regard to the second task order, which was issued under PSI's

---

<sup>7</sup> The RFP stated that an offeror was only required to provide substantiating documentation for evaluation elements for which the offeror was claiming points. RFP at 177.

<sup>8</sup> The RFP informed offerors that GSA intended to make awards without conducting discussions. RFP at 129, 143.

<sup>9</sup> The RFP identified NAICS codes 541710, 541711, and 541712 for pool 4. RFP at 102-3.

<sup>10</sup> The two letters use nearly identical language in asserting that the task orders "fall under NAICS code 541712." See AR, Tab 6, PSI Proposal, at 92, 226.

<sup>11</sup> GSA requested clarification regarding the NAICS codes for PSI's first task order, but did not receive a reply to the request. See AR, Tab 6-1, PSI Evaluation, at 19.

Federal Supply Schedule (FSS) 70 contract, GSA's contracting officer noted that FSS 70 does not include services under NAICS code 541712.<sup>12</sup> See id.; Tab 6, PSI Proposal, at 95, 227-8; Supp. AR at 3. GSA rejected PSI's proposal because it determined that the NAICS codes for the firm's qualification projects did not correspond to the pool 4.

TPS competed under pool 1, but its proposal did not rank among the top-40 rated proposals for that pool based on the firm's self scores, and was not evaluated beyond the initial screening phase. See AR at 24-25; Tab 8-1, TPS Evaluation, at 1-4.

These protests followed debriefings.

## DISCUSSION

PSI and TPS both challenge the agency's evaluation of their proposals, arguing that under a reasonable evaluation their respective proposals would have been selected for award. We have considered all of the protester's various assertions and conclude that they provide no bases for sustaining the protests in that they misread provisions of the RFP and essentially reflect the protesters' untimely disagreement with the terms of the solicitation.

### PSI's Proposal

PSI contends that GSA, in evaluating the firm's pool qualification projects, deviated from the RFP's evaluation criteria by disregarding the letters from the projects' contracting officers. PSI Protest at 4-6; PSI Comments at 3. According to PSI, the RFP required only that a project officer's letter identify the correct NAICS code, and that GSA was required to accept the project officer's NAICS code designation because the project officer allegedly had actual knowledge of the services provided by PSI. See PSI Protest at 5-6. In this respect, PSI objects to GSA's consideration of the fact that the project officer's letters did not address the conflict between the NAICS code reported in FPDS and the project officer's letter.<sup>13</sup> See id. at 3, 5; PSI Comments at 3.

---

<sup>12</sup> The contracting officer also found that none of PSI's relevant experience projects identified NAICS code 541712. AR, Tab 6-1, PSI Evaluation, at 19.

<sup>13</sup> PSI raised a number of other protest grounds, including that GSA exceeded its authority by conducting a NAICS code determination and unfairly scrutinized PSI's second qualification because it was a FSS task order. See PSI Protest at 6-7; PSI Comments at 2. PSI abandoned these grounds of protest when it failed to respond to GSA's detailed rebuttal in its agency report and supplemental report. See Citrus College; KEI Pearson, Inc., B-293543 et al., Apr. 9, 2004, 2004 CPD ¶ 104 at 8 n.4.

In reviewing protests challenging the evaluation of proposals, we do not conduct a new evaluation or substitute our judgment for that of the agency but examine the record to determine whether the agency's judgment was reasonable and in accord with the RFP evaluation criteria. Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4.

With regard to PSI's protest, the RFP unambiguously stated that an FPDS report, if available, would be used to validate a qualification project's NAICS code, and that GSA would consider the FPDS report the "official document" in that regard. See RFP at 100, 231. Moreover, the solicitation cautioned that if the code identified in the report conflicted with the code in the offeror's award documents, the FPDS report would control, unless the proposal included a statement from the project's contracting officer resolving the conflict. See id. at 100, 160-1, 181, 231, 254-5. To the extent that PSI complains that GSA's evaluation was irrational (because contracts and task orders may have more than one NAICS code, but GSA relied on FPDS reports that only identify one code, PSI Protest at 6; PSI Comments at 1-2) that argument lacks merit and is untimely. Here, the RFP was amended, in part, to respond to an offeror's question regarding projects with multiple NAICS codes:

**Question:** There are also some situations where a single principal NAICS code is applied to an entire large, complex task order or contract, and specific efforts are not assigned separate, unique NAICS codes . . . . In those situations, will GSA also consider an alternative means of substantiating that projects involve relevant experience, such as: (a) correspondence from a warranted contracting officer to identify the NAICS codes that are applicable to the specific efforts; or (b) a description of the work and a statement by the offeror regarding which NAICS codes would otherwise be applicable to those efforts?

**Response:** No. Each award has a single NAICS code and a single PSC Code. Any requirement may include a number of different types of work, but the NAICS code and PSC Code represents the preponderance of the work. We are not evaluating "secondary" or "alternative" NAICS or PSC Codes. For pool qualification purposes, Offerors must have performed [a]t least 2 projects for OASIS SB [w]here the preponderance of work matches a NAICS or PSC code assigned to the corresponding Pool being applied for. The only time we should receive correspondence from a Contracting Officer is when the NAICS Code or PSC Code that was reported in FPDS-[Next Generation (NG)] and contractual documents was reported incorrectly and the Contracting Officer is correcting the record or, in cases when the NAICS Code or PSC Code was not identified in FPDS-NG and contractual documents

and the Contracting Officer is notifying us [of] what the actual NAICS Code or PSC Code was [f]or that project.

Id. at 254-55 (emphasis in original). Contrary to PSI's view, the RFP did not simply require that a project officer's letter identify a NAICS code that the project work "fell" under. Rather, as discussed above, the solicitation required that the project officer identify the erroneous NAICS code, explain the discrepancy, and provide a revised principal code, among other things. See id. at 100. In other words, the project officer was required to do more than simply identify a new or additional NAICS code, but was also required to explain and correct the record in that regard. Id. at 255.

If PSI did not understand those terms, or disagreed with GSA's reliance on FPDS reports as part of the evaluation process, PSI had ample opportunity to question and/or protest the RFP, and its disagreement with the terms of the solicitation at this point is untimely.<sup>14</sup> Our Bid Protest Regulations contain strict rules for the timely submission of protests. They specifically require that a protest based upon alleged improprieties in a solicitation that are apparent prior to the closing time for receipt of initial proposals be filed before that time. 4 C.F.R. § 21.2(a)(1) (2014). Our rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process.<sup>15</sup> Dominion Aviation, Inc.--Recon., B-275419.4, Feb. 24, 1998, 98-1 CPD ¶ 62 at 3.

#### TPS's Proposal

TPS complains that GSA never evaluated the merits of the firm's proposal, or considered whether it offered any advantages based on TPS's experience and

---

<sup>14</sup> We note that the RFP specifically instructed offerors to read the entire solicitation, including all attachments, prior to submitting questions and preparing their offer, and, as amended, addressed dozens of questions from offerors regarding the requirements for FPDS reports and NAICS codes. See, e.g., RFP at 88, 90, 100, 160-1, 181, 194, 202, 225, 231, 233, 254-55; see also infra n.17 (2,800 questions answered regarding OASIS procurement)

<sup>15</sup> PSI also complains that GSA conflated the screening phase with the evaluation phase (because, according to PSI, the screening phase did not provide for an in-depth evaluation of NAICS codes), and that the agency never evaluated the statements of work for PSI's task orders. PSI Comments at 3-4. These protest grounds, which were first raised in PSI's comments, are also untimely. Our Bid Protest Regulations do not contemplate the piecemeal development of protest issues. 4 C.F.R. § 21.2(a)(2); Braswell Servs. Group, Inc., B-276694, July 15, 1997, 97-2 CPD ¶ 18 at 6-7.

capabilities, and arbitrarily rejected the proposal based only on the firm's self-assigned scores. TPS Protest at 4; TPS Comments at 3. According to TPS, the RFP did not advise offerors that proposals with lower ranking self scores would not be qualitatively evaluated or assigned an evaluated score. See TPS Comments at 3, 6.

As described above, the RFP specifically required offerors to submit self-scores in order for GSA to initially screen proposals, and stated that proposals that passed the initial screening would be preliminarily ranked according to offerors' self scores. See RFP at 104, 129-30. Contrary to TSP's apparent belief, the RFP did not provide for a qualitative evaluation of proposals, or the assignment of evaluation scores by the agency in that regard, during the initial screening phase or prior to the preliminary ranking. Rather, the solicitation provided that only the top ranking proposals for each pool would be subject to a more detailed evaluation following the initial screening process.<sup>16</sup> See id., § M, at 129-43.

If TPS did not understand those terms, or disagreed with the solicitation's evaluation scheme and believed that the agency should have qualitatively evaluated proposals prior to ranking them, TSP, like PSI above, had ample opportunity to question and/or protest the terms of the solicitation.<sup>17</sup> Although TPS characterizes its protest as a challenge to GSA's evaluation of the firm's proposal, TPS, in essence, disagrees with the RFP's screening and evaluation scheme, and the protester's disagreement at this point is untimely. Such a challenge to the ground rules of the procurement, that is, a protest of alleged apparent solicitation improprieties, was required to be filed by the October 30, 2013, due date for submission of proposals. 4 C.F.R. § 21.2(a)(1).

Here, we find from our review of the contemporaneous record that GSA reasonably evaluated the protesters' proposals consistent with the terms of the RFP, and the protesters disagreement with GSA's judgment in that regard does not establish

---

<sup>16</sup> According to GSA, this approach allocated to offerors the burden of accurately claiming the proper number of points and submitting the proper documentation, and allocated to the agency the burden of validating those claims. Contracting Officer's (CO) Statement at 2. The agency also states that the over-arching goal of the entire evaluation process was to reduce subjectivity as much as possible. Id.

<sup>17</sup> The solicitation here was amended 11 times, in part to answer over 600 questions from offerors that largely concerned proposal instructions and documentation requirements. See generally RFP at 144-262. GSA also states that it issued two draft solicitations, about which it answered over 2,200 questions. See CO's Statement at 1; AR, Tab 11, Source Selection Plan, at 15; see also supra n.14 (offerors instructed to read entire solicitation, attachments, and questions).



that the agency acted unreasonably. See Citywide Managing Servs. of Port Washington, Inc., B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 10-11.

The protests are denied.

Susan A. Poling  
General Counsel