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Decision

Matter of: InCadence Strategic Solutions Corp.

File: B-410431.2

Date: December 22, 2014

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Jennifer S. Zucker, Esq., Jon W. Burd, Esq., and Craig Smith, Esq., Wiley Rein LLP, for Archimedes Global, Inc., an intervenor.

Erica S. Beardsley, Esq., Kyle E. Chadwick, Esq., Capt. Evan C. Williams, and Scott N. Flesch, Esq., Department of the Army, for the agency.

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DIGEST

Agency reasonably rejected protester's proposal where proposal failed to provide required documentation demonstrating protester's access to a Sensitive Compartmented Information Facility.

DECISION

InCadence Strategic Solutions Corp., of Manassas, Virginia, protests the rejection of its proposal under request for proposals (RFP) No. W911W4-13-R-0005, issued by the Department of the Army, Intelligence and Security Command for global intelligence support services. The protester argues that the agency unreasonably rejected its proposal for failing to demonstrate access to a Sensitive Compartmented Information Facility (SCIF).

We deny the protest.

BACKGROUND

The RFP, issued on March 15, 2013, contemplated the award of multiple indefinite-delivery/indefinite-quantity (IDIQ) contracts to offerors in each of two pools (a restricted pool reserved for small businesses and an unrestricted pool) on a best-value basis. Of relevance to this protest, the solicitation instructed offerors to

describe their facilities for storing and safeguarding Top Secret Sensitive Compartmented Information as follows:

Contractor Operated Secure Facility. Proposals shall describe the prime Offeror's facilities for storing and safeguarding Top Secret Sensitive Compartmented Information (SCI) including size, location, and existing equipment, state whether it is properly accredited, meets DD 254 requirements, and is accredited for interfacing with or hosting Government networks. Proposals may also describe teaming partner/subcontractor facilities available for fulfillment of GI [global intelligence] requirements. To be considered, the Offeror's proposal must identify access to a Sensitive Compartmented Information Facility (SCIF) at the time of proposal submission. Offerors shall later "demonstrate access to a SCIF" within two weeks after IDIQ contract award as stated in Paragraph H.2.10.¹ Offerors may identify access to a SCIF through an existing SCIF in the Offeror's facilities or through another arrangement. Offerors shall include a letter from the Contractor Special Security Officer (CSSO) for the facility they propose to have access to identifying the following information: facility identification number, location, accreditation status, and terms of use for the purposes of the Global Intelligence acquisition. [The agency]

¹ Section H.2.10 provided as follows:

Sensitive Compartmented Information Facility (SCIF)--Offerors shall demonstrate access to a SCIF within two weeks after IDIQ contract award. In order to meet this requirement, Offerors shall either provide the Contracting Officer 1) a letter from the Cognizant Security Authority that granted SCIF accreditation or 2) an approved Co-Utilization Agreement and a letter from the Contractor Special Security Officer (CSSO) for the facility proposed. Both letters must identify the following information: facility identification number, location, accreditation status, and terms of use for the purposes of the Global Intelligence acquisition. Failure of offerors to demonstrate access to a SCIF within two weeks of the IDIQ contract award may result in termination of the award.

RFP at 54. The agency explained that requiring awardees to demonstrate access to their proposed SCIFs after award did not supplant the requirement for identifying access to the SCIFs in their proposals; rather, the requirement that access be demonstrated post-award was incorporated into the RFP "to address problems encountered on previous contracts when offerors proposed SCIF access but ultimately did not have the access identified in the proposal and were unable to perform the contract requirements." Contracting Officer's Statement of Facts, Oct. 20, 2014, at 6.

will not sponsor or assist offerors or eventual awardees in the establishment of new SCIFs to meet the condition of identifying or demonstrating access to a SCIF.

RFP at 444.

InCadence, a woman-owned small business, was one of 20 offerors to submit a restricted pool proposal prior to the July 1, 2013 closing date. In its proposal, the protester responded to the above requirement for identification of a SCIF as follows:

Team InCadence has made arrangements to have access to a DIA [Defense Intelligence Agency] Accredited SCIF, through one of our Team members, [deleted]. InCadence has access to a Sensitive Compartmented Information Facility (SCIF) conveniently located in the Fort Belvoir, Virginia area. We have included the SCIF accreditation letter (**Figure 1-30**) from the designated Contractor Special Security Officer for [deleted]. This letter provides the facility identification number, location, accreditation status, and terms of use for the Global Intelligence Acquisition in Section 5.3.

Agency Report (AR), Tab 6, at 12 (Protester's Proposal at 189-190). The "SCIF accreditation letter" at Figure 1-30 was an electronic message from DIA acknowledging receipt of a DD Form 254 for [deleted]. The message provided the identification number, location, and accreditation status for the [deleted] SCIF, but did not address the terms of the protester's use of the facility for the global intelligence acquisition. In addition to the DIA accreditation message, the protester's proposal included a general description of the SCIF's classified workspaces--i.e., [deleted]. Id. at 22 (Protester's Proposal at 199). The proposal also stated that the space was "the currently occupied/used space under the [deleted] Integration Task Order." Id.

In late July of 2013, an agency security official assessed the protester's proposal for compliance with the RFP's security requirements and found the proposal compliant. The proposal was then evaluated by the restricted pool technical evaluation team, which in January 2014 advised the above official that the protester "should have provided a signed letter from the CSSO regarding the use of a SCIF from another Contractor." AR, Tab 6.1 (Emails regarding Security Checklist, Jan. 13, 2014). In response, the security official amended his findings to indicate the protester's proposal was "not fully compliant due to lack of Letter from The Contractor Special Security Officer." AR, Tab 6, at 4. While it is clear from the record that the security official amended his finding with the understanding that the agency would go back to the protester and request the required letter, AR, Tab 6.1, at 1, the contracting officer instead decided that the proposal should be rejected for failing to provide a letter from the CSSO. AR, Tab 6, at 2. The source selection authority (SSA) concurred with the contracting officer's decision. AR, Tab 7.

By letter of September 12, 2014, the contracting officer notified the protester that its proposal had been rejected for failing “to provide the required letter from the [CSSO] of the facility where they proposed to have access.” Contracting Officer’s Letter to Protester, Sept. 12, 2014, at 1. The contracting officer’s letter further explained that “[t]he copy of the electronic message from DIA included in the Offeror’s proposal attests to the accreditation status of the [deleted] SCIF, [deleted] but does not address the Offeror’s use of it for Global Intelligence acquisition purposes.” Id.

InCadence protested to our Office on September 22.

DISCUSSION

The protester argues that its proposal furnished all of the information requested by the RFP pertaining to its proposed SCIF and thus should not have been rejected. InCadence contends in this connection the message from DIA reproduced in its proposal, which had been furnished to it by the SCIF’s CSSO, provided the identification number, location, and accreditation status for its proposed SCIF, and that its proposal addressed the terms of the facility’s use for the purposes of the global intelligence acquisition by describing “the availability of classified and unclassified collaboration spaces, certain aspects of the facility’s size, and existing equipment and network capabilities.” Protester’s Comments, Nov. 3, 2014, at 9. The protester further notes that its proposal pointed out that the SCIF was currently in use under a systems integration task order performed by [deleted].

The protester’s arguments notwithstanding, the agency reasonably concluded that InCadence had not provided the documentation required by the RFP to demonstrate it had access to the [deleted] SCIF. As the contracting officer pointed out in her letter, while the protester provided documentation showing that the [deleted] SCIF was accredited, it did not provide documentation showing that the CSSO for the [deleted] SCIF had approved InCadence’s use of the facility.² The responsibility for submitting a well-written proposal demonstrating compliance with the solicitation’s requirements lies with the offeror, and an offeror that does not affirmatively demonstrate the merits of its proposal risks rejection of the proposal. Walsh-Vaughn JV, B-407998.2, B-407998.4, May 21, 2013, 2013 CPD ¶ 134 at 7. InCadence also argues that the agency failed to document adequately the basis of reversal of the initial finding that its proposal complied with the solicitation’s security requirements. We disagree. It is apparent from the record that in reviewing the protester’s technical proposal, the technical evaluation team came across

² We recognize that the fact the protester was able to provide a copy of the accreditation notice for the [deleted] SCIF in its proposal lends support to the position that the CSSO had agreed to its use of the facility; nonetheless, it is not the documentation explicitly required by the RFP.

information that led it to question the proposal's compliance with the solicitation requirement for a letter from the CSSO confirming access to a SCIF, and that when this information was brought to the attention of the agency official responsible for assessing compliance with the security requirements, he agreed that the proposal was noncompliant. The events that led the security official to reexamine and reverse his original finding are clearly documented.

The protester also argues that the SSA failed to exercise his independent judgment in concurring with the contracting officer's decision to reject the protester's proposal, in violation of Federal Acquisition Regulation (FAR) § 15.308.³ The FAR section in question applies to final source selection decisions, which document business judgments and tradeoffs made by a SSA in reaching a selection decision. We would not characterize the decision to reject the protester's proposal for failing to include information required by the RFP as a source selection decision. Moreover, the basis for the protester's allegation is that the SSA provided his concurrence without examining underlying documentation such as its proposal. The fact that the SSA based his decision on the recommendation of the agency evaluators, without performing an independent review of all documentation, is not sufficient to show that the decision did not represent his own independent judgment. See Foresight Science & Tech., Inc., B-297910.2, B-297910.3, Nov. 30, 2006, 2006 CPD ¶ 187 at 6 n.8.

The protest is denied.

Susan A. Poling
General Counsel

³ FAR § 15.308 provides in relevant part that the source selection decision shall represent the SSA's independent judgment.