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Decision

Matter of: CRESTRAT JV, LLC

File: B-415716.35; B-415716.36

Date: September 11, 2019

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DIGEST

Protest challenging agency's evaluation of protester's proposal under the technical experience evaluation factor is denied where the record shows that the evaluation was reasonable and consistent with the solicitation.

DECISION

CRESTRAT JV, LLC (Crestrat), a small business of Chantilly, Virginia, protests the exclusion of its proposal from a competition by the Department of the Air Force, under request for proposals (RFP) No. FA8771-17-R-1000, for information technology (IT) services.¹ Crestrat argues that the agency unreasonably evaluated its proposal under the technical experience factor.

We deny the protest.

BACKGROUND

On September 28, 2017, the Air Force issued the Small Business Enterprise Application Solutions (SBEAS) RFP, which was set aside for small businesses, pursuant to the

¹ Crestrat is a joint venture between Copper River Enterprise Services (CRES) and Information Technology Strategies, LLC (IT-Strat). Agency Report (AR), Tab 6, Crestrat Proposal, Vol. 1, at 3.

procedures of Federal Acquisition Regulation part 15. AR, Tab 5, RFP at 162.² The solicitation contemplated the award of 40 indefinite-delivery, indefinite-quantity (IDIQ) contracts with a 5-year base and 5-year option ordering period. Id. at 138-139, 162. The scope of the SBEAS RFP included a “comprehensive suite of IT services and IT solutions to support IT systems and software development in a variety of environments and infrastructures.” Id. at 130. Additional IT services in the solicitation included, but were not limited to, “documentation, operations, deployment, cybersecurity, configuration management, training, commercial off-the-shelf (COTS) product management and utilization, technology refresh, data and information services, information display services and business analysis for IT programs.” Id.

Proposals were to be evaluated based on two factors, technical experience and past performance.³ Id. at 164. The technical experience factor was comprised of ten technical elements and various sub-elements (each with a designated point value), and one non-technical experience element.⁴ Id. at 165-171. The past performance factor was comprised of the following three subfactors in descending order of importance: life-cycle software services, cybersecurity, and information technology business analysis. Id. at 164. Award was to be made on a past performance tradeoff basis among technically acceptable offerors, using the three past performance subfactors. Id. at 162.

Section L of the solicitation instructed offerors that “[t]he proposal shall be clear, specific, and shall include sufficient detail for effective evaluation and for substantiating the validity of stated claims.” Id. at 142. Offerors were instructed to not simply rephrase or restate requirements, but to “provide [a] convincing rationale [addressing] how the [o]fferor’s proposal meets these requirements.” Id. The RFP also instructed offerors to

² Citations to the RFP are to the conformed copy provided by the agency. AR, Tab 5, RFP.

³ The solicitation stated that pursuant to “10 U.S.C. § 2305(a)(3)(C), as amended by Section 825 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, the Government will not evaluate cost or price for the IDIQ contract. Cost or price to the Government will be considered in conjunction with the issuance of a task or delivery order under any contract awarded hereunder.” Id. at 162.

⁴ The technical experience factor was comprised of the following ten technical elements: (1) life-cycle software services; (2) cybersecurity; (3) IT business analysis; (4) programming languages/frameworks; (5) tools/software development methodologies; (6) platforms/environments; (7) database components; (8) mobile/internet of things; (9) server operating systems; and (10) COTS/GOTS (government-off-the-shelf)/FOSS (free and open source software) software, as well as the non-technical experience element of government facility clearance level. Id. at 165-171. Under these ten elements are a series of sub-elements, designated by letters. For example, under the first element are five sub-elements, designated as 1a, 1b, 1c, 1d, and 1e. Id. at 165-166.

assume that the agency has no knowledge of the offeror's facilities and experience, and would "base its evaluation on the information presented in the [o]fferor's proposal." Id.

The solicitation provided that offerors should submit their proposals in four volumes: capability maturity model integration (CMMI) documentation, technical experience, past performance, and contract documentation. Id. at 145. As relevant to this protest, the technical volume was to contain a table of contents, a cross-reference matrix,⁵ a glossary of terms, a self-scoring worksheet, and technical narratives (TNs).⁶ Id. at 149. The RFP instructed offerors to describe, in their TNs, experience that supports the technical element points claimed in the self-scoring worksheet. Id.

The solicitation stated that the agency intended to evaluate proposals and make awards without discussions to the offerors deemed responsible, and whose proposals conformed to the solicitation's requirements and were judged, based on the evaluation factors, to represent the best value to the government.⁷ Id. at 162-163.

Section M of the solicitation established a tiered evaluation process. Id. at 163-164. The first step of the evaluation was a CMMI appraisal, which required offerors to be certified at level 2 in CMMI.⁸ Id. If an offeror passed the CMMI appraisal as level 2 certified, the agency would then evaluate an offeror's technical experience using the self-scoring worksheet and TNs provided by the offeror. Id. at 164. The solicitation provided that technical experience would receive an adjectival rating of acceptable or unacceptable. Id. at 164-165. A proposal would be considered acceptable when it attained 4,200 points per the self-scoring worksheet, and was "verified per the technical narratives." Id. at 165.

In the event that technical experience was evaluated as acceptable, the agency would then evaluate the offeror's past performance. Id. at 164. The agency would review the

⁵ The RFP's instructions directed offerors to complete a cross-reference matrix, which was attached to the solicitation. Id. at 146, 179-183. The offeror's cross-reference matrix was required to demonstrate "traceability" between the offeror's contract references. Id. at 146. An offeror's cross-reference matrix was required to show "which contract references [were] used to satisfy each technical element and each past performance sub-factor." Id.

⁶ The solicitation allowed offerors to provide up to six contract references, each of which was to have its own TN, to demonstrate its technical experience. Id. at 149. TNs were to be submitted in numerical order (i.e., TN 1, TN 2, TN 3). Id.

⁷ The agency's estimated value for all of the SBEAS contract awards is a maximum of \$13.4 billion. Contracting Officer's Statement (COS) at 3.

⁸ CMMI is a process level improvement training and appraisal program that is administered by the CMMI Institute.

accompanying past performance narratives and evaluate each offeror's past performance references for recency, relevancy, and quality. Id. at 172.

Crestrat timely submitted its proposal in response to the solicitation. On May 24, 2019, the agency notified Crestrat that its proposal was considered technically unacceptable and had been eliminated from further consideration because its proposal, having only received 3,600 points, did not receive the minimum required 4,200 points under the technical experience factor. AR, Tab 10, Crestrat Notice of Removal from Competition, at 2. On June 7, following its debriefing, Crestrat filed this protest with our Office.⁹

DISCUSSION

Crestrat challenges the agency's exclusion of its proposal from the competition, alleging that the agency failed to properly evaluate its proposal under the technical experience factor. Specifically, the protester contends that the agency unreasonably deducted points under the risk management sub-element of the cybersecurity element, three sub-elements of the life-cycle software services element, and the functional business area expert sub-element of the IT business analysis element.¹⁰

Our Office will examine an agency's evaluation of an offeror's technical experience only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations. See Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's disagreement with a procuring agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. WingGate Travel, Inc., B-412921, July 1, 2016, 2016 CPD ¶ 179 at 4-5. In addition, it is an offeror's responsibility to submit an adequately written proposal with adequately detailed information which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. See International Med. Corps, B-403688, Dec. 6, 2010, 2010 CPD ¶ 292 at 8.

Because the solicitation provided that an offeror must score a minimum of 4,200 points to be rated technically acceptable, for the reasons discussed below, we need only address Crestrat's challenges to the agency's evaluation under the risk management

⁹ On June 10, Crestrat filed a supplemental protest in which it raised additional challenges to the agency's evaluation under several sub-elements. Supp. Protest B-415716.36.

¹⁰ After receiving the AR, Crestrat withdrew its protest grounds related to the agency's evaluation under the following: two sub-elements under the tools/software development methodology factor (i.e., 5b, 5c); the commercial, non-commercial, or hybrid cloud sub-element under the platforms/environments element (i.e., 6c); the mobile application development sub-element under the mobile/internet of things element (i.e., 8a); and the server operating systems element (i.e., 9). Comments at 1-2.

sub-element of the cybersecurity element, and the data or system migration, and modernization sub-elements of the life-cycle software services element.¹¹

Risk Management Sub-element of Cybersecurity Element

Under the cybersecurity element, Crestrat challenges the agency's evaluation of its proposal under the risk management sub-element (i.e., 2b) of the cybersecurity element. Protest at 10-16. In order to receive the 500 points available under this sub-element the offeror was required to:

[D]escribe its knowledge and experience in incorporating risk management principles and information security requirements to prevent the loss of data Confidentiality, Integrity, and Availability using the following three (3) preventative technical controls; Authentication, Authorization, and Accountability (Nonrepudiation)[.]

RFP at 151, 186. The solicitation provided that the agency would evaluate offerors' "demonstrated knowledge and experience" with the requirements stated above and it would not accept points claimed by the offeror if the offeror did not address "all 3 risk management principles (Confidentiality, Integrity and Availability)," as well as "all 3 preventative technical controls (Authentication, Authorization and Accountability)." Id. at 167. The agency's evaluation concluded that while Crestrat's proposal demonstrated experience with confidentiality, it did not demonstrate experience incorporating integrity and availability, or any of the preventative technical controls to prevent the loss of data. AR, Tab 9, Crestrat's Technical Evaluation, at 13-15.

In its protest, Crestrat challenges the agency's evaluation under this sub-element, arguing that the agency unreasonably ignored portions of its proposal that addressed the solicitation's requirements. Protest at 10-16. In this regard, the protester contends that TNs 2 and 3 identified its experience incorporating confidentiality, integrity, availability, authentication, authorization and accountability, as the terms are defined in the solicitation. Id. In response, the agency maintains that it considered the entirety of Crestrat's TNs, and reasonably determined that the proposal did not demonstrate the required experience. COS at 24-31.

The agency evaluated TN 2, which discussed Crestrat's performance on a contract in which it claimed to have "support[ed] a full life-cycle delivery of industry-leading cybersecurity solutions with the capabilities to meet all current and future [U.S. Food and Drug Administration] security requirements." AR, Tab 6, Crestrat Proposal, Vol. II, Technical Experience, at 15-18. The protester contends that the agency's evaluation is unreasonable, arguing that TN 2 identified [DELETED] as the solution it implemented

¹¹ Crestrat has presented arguments that are in addition to, or variations of, those discussed in this decision. While we do not specifically address each of them, we have considered all of Crestrat's allegations and find no basis to sustain the protest.

and deployed, therefore demonstrating experience with the required risk management activities. Protest at 13; Comments at 10-11.

The agency's evaluation noted that TN 2 of Crestrat's proposal identified a cybersecurity service and product provider (i.e., [DELETED]) that it utilized. AR, Tab 9, Crestrat Technical Evaluation, at 13. However, the agency found that while Crestrat's proposal stated the capabilities and benefits of the solution, the proposal did not adequately demonstrate Crestrat's experience incorporating the solution. Id. Additionally, in its evaluation, the agency found that while TN 2 generally outlined numerous tasks, it failed to demonstrate Crestrat's experience using authentication, authorization, and accountability to prevent the loss of data integrity and availability. Id. at 14. Based upon our review of the record, we find no basis to question the agency's determination that TN 2 of Crestrat's proposal failed to demonstrate the required experience under this sub-element.

As noted above, the RFP instructed offerors that proposals "shall be clear, specific, and shall include sufficient detail for effective evaluation and for substantiating the validity of stated claims." RFP at 142. Thus, we agree with the agency that the fact that Crestrat identified a brand-name solution and purports to have utilized it to achieve certain results is insufficient, under the terms of this solicitation, to demonstrate the claimed experience. Upon review of TN 2, we find the agency reasonably determined this TN lacked discussion of how it used the [DELETED] solution in a manner that incorporated the risk management principles of integrity and availability to prevent the loss of data integrity and availability, as required by the solicitation. RFP at 151. Offerors are responsible for submitting well-written proposals with adequately-detailed information that allows for a meaningful review by the procuring agency. Microwave Monolithics, Inc., B-413088, Aug. 11, 2016, 2016 CPD ¶ 220 at 6. Accordingly, we find no basis to disturb the agency's conclusion that TN 2 of Crestrat's proposal failed to demonstrate the required risk management experience under this sub-element.¹²

Crestrat also contends that TN 3 of its proposal adequately explained its risk management experience under this sub-element. Protest at 14-16. In its proposal, Crestrat described its experience in TN 3 as performing risk management support for the U.S. Department of State's Cybersecurity Integrity Center (DOS CIC). AR, Tab 6, Crestrat Proposal, Vol. II, Technical Experience, at 18-20. According to Crestrat, TN 3 adequately demonstrated its experience supporting the DOS CIC's efforts to implement risk management by describing the activities it engaged in, and also by providing a figure that indicates how each activity is integrated into Crestrat's risk management approach. Protest at 14-16.

¹² Additionally, the protester has not met its burden to establish a basis to sustain the protest as its filings with our Office only quote language from its proposal and then flatly assert that the quoted language demonstrates the required experience.

Here, we find reasonable the agency's evaluation of TN 3 of Crestrat's proposal under the risk management sub-element. In its evaluation, the agency explained that while TN 3 of Crestrat's proposal used terms such as authorization and accountability, it failed to adequately describe the required experience using all of the risk management principles and preventive technical controls, as each term is defined in the solicitation. AR, Tab 9, Crestrat Technical Evaluation, at 14-15. Notwithstanding Crestrat's discussion of its risk management activities and its inclusion of a visual depiction of how those activities relate to its overall risk management approach, we agree with the agency that the protester failed to adequately discuss its experience with respect to the preventive technical controls (i.e., authentication, authorization, and accountability) required by the solicitation. RFP at 167. That is, Crestrat's proposal does not substantively discuss how its risk management activities demonstrate experience actually executing the preventive technical controls to prevent the loss of data. Thus, although Crestrat generally contests the agency's evaluation, we find its arguments amount to disagreement with agency's evaluation which, by itself, is not sufficient to establish that the evaluation was unreasonable. See Mare Sols., Inc., B-413238, B-413238.2, Sept. 14, 2016, 2016 CPD ¶ 259 at 9. Accordingly, we find reasonable the agency's conclusion that Crestrat's proposal failed to demonstrate the required risk management experience under this sub-element, and deny the protest ground.

Life-Cycle Software Services Element

The life-cycle software services element was comprised of five sub-elements: developing/implementation; re-engineering; data or system migration; modernization; and COTS/GOTS/FOSS enterprise resource planning software systems. RFP at 165-166. As relevant here, Crestrat challenges the agency's evaluation of its proposal under the data or system migration, and modernization sub-elements of this element. Protest at 8-9; Comments at 7-8. In this regard, Crestrat contends that the agency's evaluation failed to reasonably consider portions of Crestrat's proposal that established the required experience under these sub-elements. Id.

Data or System Migration Sub-element

To receive the 200 points available under the data or system migration sub-element (i.e., 1c), an offeror was required to demonstrate experience migrating an information system or its data during the life-cycle to include moving data or the information system from the previous operating environments to the new operating environments. RFP at 166,185. The RFP further warned that the "offeror must identify both the previous and new operating environments of the data or [information system] that was moved." Id. at 166. The agency found that Crestrat's proposal did not adequately demonstrate data or system migration experience. AR, Tab 9, Crestrat Technical Evaluation, at 7-8.

Crestrat contends that the agency's evaluation improperly ignored relevant portions of TN 5 that provided the information required under this sub-element. Protest at 8-9. In its proposal, Crestrat described its experience in TN 5 as providing application development and sustainment support services to the Defense Logistics Agency for

more than 55 human resources systems. AR, Tab 6, Crestrat Proposal, Vol. II, Technical Experience, at 27. Crestrat challenges the agency's evaluation on the basis that it unreasonably focused on Section 5.3 of TN 5, entitled "Data or System Migration", and ignored other sections of TN 5 that provided further details of its relevant experience. Protest at 8. As support for its argument, Crestrat cites two sections of TN 5 (i.e., Sections 5.1-5.2) it claims demonstrate experience performing the required migration that it argues the agency failed to consider.¹³ Protest at 8-9 citing AR, Tab 6, Crestrat Proposal, Vol. II, Sections 5.1-5.2, Technical Experience, at 27-29.

In response, the agency contends that while Crestrat's proposal provided generalized conclusions regarding its migration experience in Section 5.3, the proposal did not provide sufficient information to demonstrate the required experience. COS at 17-21. Also, in response to the protest, the agency states that it reviewed the entirety of TN 5--to include the sections cited in Crestrat's protest--and nevertheless found the proposal failed to adequately demonstrate data or system migration experience. Id. at 20-21. First, the agency asserts that while TN 5, section 5.1 of Crestrat's proposal refers to its work deploying a particular application, it does not discuss migration. Id. In addition, the agency contends that TN 5, section 5.2 of Crestrat's proposal discussed re-engineering of another application, but did not include any reference to migration. Id. at 20. For these reasons, the agency maintains that it reasonably awarded the proposal no points under this sub-element. Id. at 21.

In responding to an agency report, protesters are required to provide a substantive response to the arguments advanced by the agency. enrGies, Inc., B-408609.9, May 21, 2014, 2014 CPD ¶ 158 at 4. Where an agency provides a detailed response to a protester's argument and the protester fails to rebut or merely references, or restates, earlier arguments advanced in an initial protest without providing a substantive response to the agency's position in its comments, the protester provides our Office with no basis to conclude that the agency's position with respect to the issue in question is unreasonable, and our Office will dismiss the referenced allegations as abandoned. IntegriGuard, LLC d/b/a HMS Federal--Protest and Recon., B-407691.3, B-407691.4, Sept. 30, 2013, 2013 CPD ¶ 241 at 5.

Here, in response to the protest, the agency provided a detailed response to the protester's allegations that the agency improperly ignored portions of its proposal. COS at 17-21. The protester's comments, however, do not substantively respond to the agency's arguments regarding why sections 5.1 and 5.2 of its proposal fail to demonstrate the required migration experience. Instead, the protester's comments merely repeat the same arguments raised in its initial protest. Compare Protest at 8-9

¹³ Crestrat's pleadings repeatedly state that its proposal demonstrated the required migration experience. Protest at 8-9; Comments at 7-8. However, it is unclear whether Crestrat contends that its proposal demonstrated experience migrating an information system, its data, or both.

with Comments at 7-8. As a result, we view Crestrat's arguments with respect to data or system migration under this sub-element to be abandoned. See 4 C.F.R. § 21.3(i)(3); enrGies, Inc., supra. Consequently, we dismiss this protest ground.

Modernization Sub-element

Finally, Crestrat challenges the agency's evaluation of its proposal under the modernization sub-element (i.e., 1d) of the life-cycle software services element. Protest at 9-10. To receive 300 points under this sub-element, offerors were required to demonstrate experience modernizing a legacy information system during its life-cycle to include the conversion and code rewriting of a legacy system, software libraries and protocols to a modern programming language and porting the new information system to a new hardware platform. RFP at 166, 185.

Crestrat contends that the agency should have found that TN 4 of its proposal demonstrated modernization experience.¹⁴ Protest at 9-10. In TN 4 of Crestrat's proposal, it described its experience providing support to the U.S. Custom and Border Protection's Targeting and Analysis Systems Program Directorate. Tab 6, Crestrat Proposal, Vol. II, Technical Experience, at 22. Crestrat claims that TN 4 of its proposal "provided many details on what technologies it used to modernize the system, and how it migrated them." Protest at 9. As support, Crestrat's protest quotes a section from TN 4 and then concludes, without explanation, that the agency's evaluation was flawed. Id. at 9-10.

The agency's evaluation concluded that Crestrat's proposal did not demonstrate experience modernizing a legacy information system. AR, Tab 9, Crestrat Technical Evaluation, at 9-10. As relevant to this protest, the agency reviewed TN 4 of Crestrat's proposal under the modernization sub-element and found the TN to have insufficiently

¹⁴ In support of Crestrat's argument that its proposal demonstrated the required modernization experience, Crestrat's comments cite, for the first time, a portion of its proposal from TN 5 that was not cited in the original protest. Compare Protest at 9-10 with Comments at 9-10. Crestrat received a detailed debriefing containing, in substantial part, the contents of the agency's technical evaluation on May 28, 2019. AR, Tab 11, Crestrat Debriefing (May 28, 2019), at 29-31. As a result, it is apparent that the information upon which the new argument is based was known or should have been known prior to the filing of Crestrat's initial protest. Our Bid Protest Regulations do not contemplate the piecemeal presentation or development of protest issues through later submissions citing examples or providing alternate or more specific legal arguments missing from earlier general allegations of impropriety. Sealift Inc., B-405705, Dec. 8, 2011, 2011 ¶ 271 at 2-3 n. 1. Since Crestrat waited until its July 15 comments to raise this new example of information the agency allegedly failed to consider, such an argument is untimely and will not be considered. 4 C.F.R. § 21.2(a)(2).

demonstrated the required experience. Id. at 9 quoting Tab 6, Crestrat Proposal, Vol. II, Technical Experience, at 22.

The agency contends that TN 4 merely provides an overview of its efforts and does not provide the information required under this sub-element. COS at 22-24. In this regard, the agency asserts that TN 4 lacks sufficient details to demonstrate Crestrat's experience modernizing the application in question using the technologies mentioned in the proposal. Id. at 24. Further, the agency argues that TN 4 failed to describe how Crestrat ported the information system to the servers identified in the proposal, as required by the solicitation. Id.

The protester's comments do not rebut the agency's arguments regarding Crestrat's failure to demonstrate the required modernization experience in TN 4 of its proposal. Comments at 8-10. Rather, the protester's comments simply repeat the same argument made in the initial protest. In this regard, Crestrat provides the same quote from TN 4 of its proposal, and concludes that the agency's finding is unsupported. Compare Protest at 9-10 with Comments at 9-10. The protester's comments, however, lack any specific explanation of how the quoted language from TN 4 meets the solicitation's requirements. Comments at 9-10. As noted above, where a protester merely references earlier arguments advanced in an initial protest without providing a substantive response to the agency's position, our Office will dismiss the referenced allegations as abandoned. IntegriGuard, LLC d/b/a HMS Federal--Protest and Recon., supra. Since the protester provides our Office with no basis to conclude that the agency's position with respect to the issue in question is unreasonable, we dismiss this protest ground as abandoned. See 4 C.F.R. § 21.3(i)(3).

Given our conclusions above, we need not address the protester's other challenges to the agency's evaluation because even if Crestrat were to prevail with regard to its remaining challenges, its proposal would remain technically unacceptable. As stated above, in order to receive an acceptable rating under the technical experience factor, a proposal had to receive a score of at least 4,200 points; Crestrat's technical proposal received a score of 3,600 points. Thus, even if our Office agreed with Crestrat

regarding its other alleged evaluation errors, this would only afford Crestrat an additional 400 points, for a total technical score of 4,000, which is 200 points below the score necessary for a technically acceptable score.¹⁵

The protest is denied.

Thomas H. Armstrong
General Counsel

¹⁵ Crestrat withdrew its protest grounds related to sub-elements 5b, 5c, 6c, 8a, and element 9. Thus, what remains are the protester's challenges to the agency's evaluation under the following five sub-elements: 1b, 1c, 1d, 2b, and 3d. As discussed above, Crestrat's protest regarding sub-element 2b is denied. Also, the protester's allegations with respect to 1c and 1d are dismissed as abandoned. Consequently, even if meritorious, the remaining protest grounds would only result in 400 points, according to the following breakdown: 1b=200 points, and 3d=200 points. RFP at 185-186.