



Decision

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Matter of: New Generation Solution, LLC

File: B-421447

Date: May 11, 2023

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Gregory R. Hallmark, Esq., Kelsey M. Hayes, Esq., and Danielle R. Rich, Esq., Holland & Knight LLP, for NiyamIT, Inc., the intervenor.
Anthony Juzaitis, Esq., and Keri Borzilleri, Esq., Department of Homeland Security, for the agency.
Heather Weiner, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's technical evaluation is denied where the agency evaluated the quotations in accordance with the terms of the solicitation.

DECISION

New Generation Solution, LLC, a small business of Huntsville, Alabama (NewGen), protests the issuance of a task order to NiyamIT, Inc., a small business of Leesburg, Virginia (Niyam), under request for quotations (RFQ) No. 70FA3122Q0000040, issued by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), for information technology (IT) services. The protester challenges the reasonableness of the agency's evaluation of its technical quotation and the best-value tradeoff analysis.

We deny the protest.

BACKGROUND

Using the procedures of Federal Acquisition Regulation (FAR) subpart 16.5, FEMA issued the solicitation on October 25, 2022, to small businesses holding contracts under the General Services Administration's 8(a) STARS III governmentwide acquisition

contract. Agency Report (AR), Tab G, RFQ at 1.¹ The RFQ contemplates the issuance of a single fixed-price task order to be performed over a 12-month base period with one 12-month option. *Id.* at 2. The RFQ seeks IT services for the continued implementation and enhancement of the enterprise-wide Federal Insurance Customer Relationship Management (FICRM) Tool Salesforce platform and establishment of management system services and support for components in the Federal Insurance and Mitigation Administration (FIMA).²

The solicitation provided for award to the firm whose quotation provided the best value as evaluated under the following four factors, listed in descending order of importance: technical approach, corporate experience, staffing and management plan, and price. RFQ at 31-33. When combined, the non-price factors were significantly more important than price. *Id.* at 32. The solicitation also provided that the agency may “award to a higher priced [vendor] for a more technically superior solution,” and, as such, the agency “may award to other than the lowest priced [vendor] or other than the [vendor] with the highest technically rated quote.” *Id.*

FEMA received timely submitted quotations from eight vendors, including NewGen and Niyam. AR, Tab R, Award Decision Memo at 7. After evaluating quotations, the agency assigned NewGen’s and Niyam’s quotations the following ratings:³

¹ Unless indicated otherwise, citations to the RFQ are to the copy provided at tab G of the agency report. In addition, citations to documents in the agency report are to the document page numbers; for documents without page numbers, citations are to the Adobe PDF page numbers.

² FIMA established the Salesforce FICRM Support Service project to create an Enterprise customer relationship management (CRM) platform and program that will provide seamless and transparent dataflow of information to all internal and external stakeholders and partners. The intent of this platform is to integrate customer service and support operations across programs regardless of customer engagement type. Contracting Officer’s Statement (COS) at 1.

³ The RFQ provided that quotations would be rated under the non-price factors as: high confidence, moderate confidence, or low confidence. RFQ at 32. The solicitation advised that to assist the evaluation team in assigning the confidence ratings, the agency would assess “increased confidence” for attributes in a quotation that “can be beneficial to the Government or greatly increase the probability of successful contract performance” and “decreased confidence” for attributes that represent “a flaw in the approach that increases the risk of unsuccessful performance.” *Id.*

	NEW GENERATION	NIYAM
Technical Approach	Low Confidence	High Confidence
Corporate Experience	Moderate Confidence	High Confidence
Staffing & management Plan	Low Confidence	High Confidence
Price	\$13,931,928	\$18,519,168

AR, Tab R, Award Decision Memo at 7.

The agency found that Niyam’s technical quotation was superior to NewGen’s. *Id.* at 14. The agency concluded that the technical superiority of Niyam’s quotation warranted paying a higher price, and thus, that Niyam’s quotation represented the best value to the government. *Id.*

On January 24, 2023, the agency notified NewGen that its quotation had not been selected for award. AR, Tab S, Award Notice. After requesting and receiving a debriefing that same day, NewGen filed this protest with our Office.⁴ AR, Tab T, Debrief Letter.

DISCUSSION

NewGen challenges the agency’s evaluation of its technical quotation and the agency’s best-value tradeoff and award decision. In particular, the protester maintains that FEMA unreasonably assigned negative findings to its quotation under all three evaluation factors. NewGen also claims that the agency failed to assign positive findings to its quotation under the technical approach factor. For the reasons discussed below, we find none of the protester’s arguments provide a basis to sustain the protest.⁵

The evaluation of quotations is a matter within the agency’s discretion. *Sigmattech, Inc.*, B-406288.2, July 20, 2012, 2012 CPD ¶ 222 at 5. In reviewing a protest challenging an agency’s evaluation, our Office will not reevaluate quotations but instead will examine the record to determine whether the agency’s judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. *Torres Advanced Enter. Solutions, LLC*, B-403036, Aug. 18, 2010, 2010 CPD ¶ 197 at 2. A protester’s disagreement with the agency’s judgment, without more, is not

⁴ The value of the task order at issue here exceeds \$10 million; accordingly, this protest is within our jurisdiction to hear protests of task orders placed under civilian agency indefinite-delivery, indefinite-quantity contracts valued in excess of \$10 million. 41 U.S.C. § 4106(f)(2); AR, Tab S, Award Notice at 1.

⁵ Although we do not address all of the protester’s arguments in this decision, we have considered all of them, and find no basis to sustain the protest. The protester also initially alleged that the agency failed to investigate the awardee’s potential organizational conflicts of interest, but NewGen later withdrew this allegation. NewGen Resp. to GAO Notice, Mar. 3, 2023 at 1.

sufficient to establish that an agency acted unreasonably. *STG, Inc.*, B-405101.3 *et al.*, Jan. 12, 2012, 2012 CPD ¶ 48 at 7.

Technical Approach

For the technical approach factor, firms were instructed to provide responses to six questions designed to highlight their approach to performing the work required by the RFQ's performance work statement (PWS). RFQ at 30; Memorandum of Law (MOL) at 13. The RFQ advised that the agency "will assess its confidence that the [vendor] can successfully perform the requirements of the solicitation based on the answers provided." RFQ at 32. The solicitation also noted that "[c]onsideration will be given to clear understanding of Salesforce software and available products and FedRamp⁶ government cloud plus configuration and enterprise" and that the agency would "also assess its confidence that the [vendor] understands and can clearly demonstrate and prove its understanding of developing and performing under an Agile Framework." *Id.* at 32-33. Finally, the RFQ provided that the agency would also consider the "technical ability to develop future enhancements to the system as well as maintaining daily operations and addressing operational defects." *Id.* at 33.

The agency assessed five instances of decreased confidence to the protester's quotation under the technical approach factor, which resulted in a rating of low confidence for this factor.⁷ The protester challenges all five findings of decreased

⁶ The Federal Risk and Authorization Management Program (FedRAMP) provides a standardized approach to security assessment, authorization, and continuous monitoring for cloud products and services as a prerequisite for use by the federal government. Federal Information Processing Standard 199 provides the standards for categorizing information and information systems, which is the process Cloud Service Providers use to ensure their services meet the minimum security requirements for the data processed, stored, and transmitted on them. *See American Roll-on Roll-Off Carrier Grp., Inc.*, B-418266.9, *et al.*, Mar. 3, 2022, 2022 CPD ¶ 72 at 19 n.19.

⁷ The agency also assessed a sixth finding of decreased confidence to the protester's quotation under the technical approach factor, finding that NewGen's response for question five "lacked substance" and failed to show how it would leverage innovation. AR, Tab T, Debrief Letter at 3. In response to the protester's challenge to this finding of decreased confidence, FEMA "acknowledges that [question five] was adequately answered" by the protester's quotation. MOL at 19 (citing AR, Tab Q, Tech. Evaluation Report at 18; Tab T, Debrief Letter at 1). FEMA maintains, however, that NewGen has not established that it was competitively prejudiced by this error in the evaluation. We agree.

Where the record establishes no reasonable possibility of prejudice, we will not sustain a protest irrespective of whether a defect in the procurement is found. *Procentrix, Inc.*, B-414629, B-414629.2, Aug. 4, 2017, 2017 CPD ¶ 255 at 11-12. Here, the record reflects no reasonable possibility that the assessment of one less finding of decreased confidence under the technical approach factor would have changed the quotation's

confidence, and in each instance, alleges that its quotation either adequately demonstrated that its approach could satisfy all of the RFQ's requirements giving rise to the decreased confidence or that the agency's assessment of decreased confidence was based on an unstated evaluation criterion. FEMA responds that it carefully considered NewGen's quotation and provided specific references to areas which, in its experience, decreased its confidence in NewGen's ability to perform the requirements of the task order. MOL at 13. The agency further maintains that its evaluation of NewGen's quotation was reasonably based on the requirements of the RFQ or matters that were "logically encompassed by the stated evaluation criteria." *Id.* at 12, 25. Based on our review, we find none of the protester's arguments provide a basis to sustain the protest. We discuss several representative examples below.

The first question under the technical approach factor asked vendors to "demonstrate how 'Personally Identifiable Information' (PII) and 'Sensitive Personally Identifiable Information' (SPII) [would be] handled in an environment with a FedRAMP Moderate Authority to Operate (ATO)." RFQ at 29. In response, NewGen's quotation provided that, in handling "(S)PII information," it will "escalate the access security level of that customer record to [DELETED]" and [DELETED] when documents failed to meet a [DELETED]. AR, Tab M, NewGen Tech. Quotation at 7.

FEMA considered NewGen's proposed approach and determined that it decreased the agency's confidence in NewGen's ability to perform because "[r]eliance on a [DELETED] of data . . . is highly inefficient and lowers the government's confidence that this could be successfully performed." AR, Tab Q, Tech. Evaluation Report at 19; Tab R, Award Decision at 2.

The protester disagrees with FEMA's assessment of decreased confidence, arguing that "there is simply no rational basis for the Agency's criticism." Protest at 13. NewGen does not dispute that it "proposed to have [DELETED] to limit the disclosure of PII," but maintains that this approach "could have been augmented" because its quotation "used the abbreviation 'etc.,' meaning that NewGen could give the access to additional personnel where needed." *Id.* at 14. NewGen also argues that it "referenced NIST SP 800-53," which, according to the protester, "identifies a Role Based Access Control (RBAC) approach," which restricts access based on a person's role within an organization, as "best practices." *Id.*

The agency responds that it was reasonable for FEMA to be "concerned that relying on [DELETED] to screen PII and SPII would be less efficient than other methods." MOL at 14 (citing Tab Q, Tech. Evaluation Report at 18, 19 and Tab T, Debrief Letter at 2.)

rating under that factor. Further, the record shows that the contracting officer, who served as the source selection authority (SSA) for this procurement, did not rely on this finding in the tradeoff between NewGen's and Niyam's quotations, and thus there is no reasonable possibility that the status of the quotations vis-à-vis one another would be impacted by elimination of the finding. AR, Tab R, Award Decision at 10. Accordingly, we see no basis to conclude that NewGen was competitively prejudiced by the error.

The agency notes, for example, that “[i]n almost any organizational structure there are-- by definition--[DELETED],” and therefore, it was not unreasonable for the agency to conclude that NewGen’s proposed approach of “requiring these [DELETED] of documents for PII and SPII could create a bottleneck.” MOL at 14.

Based on our review, we find nothing unreasonable regarding the agency’s evaluation. While the protester points to the use of “etc.” and the reference to NIST SP 800-53⁸ in NewGen’s quotation to assert that its approach “could have been augmented,” there is nothing in NewGen’s quotation, nor does the protester cite to anything in its quotation, that provided that its approach could or would be expanded upon to provide additional [DELETED] personnel to assist in the review of PII and SPII or explained how compliance with the NIST standard would address the agency’s concerns about efficiency. AR, Tab M, NewGen Tech. Quotation at 6-7. It is a vendor’s responsibility to submit a well-written quotation for the agency to evaluate, and a vendor that fails to do so runs the risk that its quotation will be evaluated unfavorably. *Olympus Bldg. Servs., B-416599 et al.*, Oct. 24, 2018, 2018 CPD ¶ 365 at 3. Here, the protester failed in this respect. To the extent NewGen maintains that the agency should have interpreted its quotation differently, the protester’s disagreement with the agency’s evaluation, without more, is insufficient to render the evaluation unreasonable.

Similarly, NewGen challenges the agency’s assessment of decreased confidence based on the protester’s response to the second question in the RFQ under technical approach. This question required vendors to demonstrate their “knowledge and ability to innovate within a Salesforce environment.” RFQ at 29. Vendors were specifically instructed to demonstrate “mechanisms for data collection and data analytics.” *Id.* In addition, as relevant here, the RFQ also provided that “[c]onsideration will be given to clear understanding of Salesforce software and available products and FedRamp government cloud plus configuration and enterprise.” *Id.* at 32-33.

NewGen’s answer to this question included a “[DELETED] of Salesforce components[.]” AR, Tab M, NewGen Tech. Quotation at 8. This list included “example” applications that FEMA “could leverage” to meet the requirement. *Id.*

Upon review of the protester’s quotation, FEMA assessed a finding of decreased confidence, noting that “the [v]endor provides a sample list of possible innovate[ive] applications, however, it is unclear if these are FedRAMP approved.” AR, Tab Q, Tech. Evaluation Report at 18. The evaluators explained that “[p]ursuing approval via the FedRamp process would require reallocation of resources potentially jeopardizing maturing the system to that of focusing on FedRamp approval for each application which lowers the government’s confidence in this solution.” *Id.* In addition, the evaluators noted that on page 10 of NewGen’s quotation, it “discusses multiple tools . . . to collect and analyze data,” but that “these tools are in place today,” which the

⁸ The protester explains that NIST SP 800-53 is a “catalog of security and privacy controls for all U.S. federal information systems, other than those related to national security.” Comments at 2.

evaluators found “demonstrates a lack of innovation in the [quotation].” *Id.* The evaluators explained that “[b]ecause the government knows the tools that exist today, providing answers that do not introduce more creative innovation demonstrates the [v]endor’s limitations and cutting-edge awareness of the Salesforce environment.” *Id.* Finally, the evaluators also noted that the protester’s quotation failed to “reference [the] creation of dashboards, data aggregation and analytics or other innovative tools beyond [the agency’s] existing use of Tableau[.]”⁹ *Id.*

The protester disagrees with the agency’s evaluation. According to NewGen, it was unreasonable for FEMA to be concerned that it would have to realign resources to obtain FedRAMP approval for unapproved products because they were Salesforce products. Protest at 14. The protester claims that “[i]nnovating within a Salesforce environment with additional Salesforce products is perfectly reasonable.” *Id.* The protester also argues that “nothing in the [s]olicitation required bidders to propose only innovations that were already FedRAMP approved” and that “NewGen specifically noted that it was tracking the Marketing Cloud innovation for FedRAMP approval.” *Id.* As such, the protester maintains that the agency’s evaluation was unreasonable because “it is at odds with the [RFQ’s] requirement and seems to impose an unstated” criterion. *Id.*

In response, the agency acknowledges that “[i]t is true that the [s]olicitation did not require [vendors] to provide FedRAMP approved solutions.” MOL at 15. The agency asserts, however, that the RFQ asked vendors to “[d]emonstrate their knowledge and ability to innovate within a Salesforce environment.” RFQ at 29. The agency explains that “[i]n the Federal Government, a key component of the knowledge to innovate within a Salesforce environment is the knowledge of the importance of FedRAMP approval for new products.” MOL at 15. The agency therefore maintains that “FedRAMP approval is ‘logically encompassed by the stated evaluation criteria’ that [vendors] demonstrate their knowledge and ability to innovate within a salesforce environment.” *Id.* The agency contends that “[g]iven that its concerns were part-in-parcel with the requirements of the [s]olicitation, FEMA was perfectly reasonable in expressing a concern about the costs in time and effort associated with obtaining FedRAMP approval for the products the [p]rotester proposed.” *Id.*

Based on our review, we find nothing unreasonable regarding the agency’s evaluation. The solicitation here did not require that vendors provide only FedRAMP approved solutions, and the record reflects that the agency did not assess the finding of decreased confidence because the protester’s quotation failed to propose FedRAMP approved solutions. RFQ at 29; AR, Tab Q, Tech. Evaluation Report at 18. Rather, the record reflects that the agency found decreased confidence in the protester’s approach based on concerns that reallocating the resources needed to obtain FedRamp approval could jeopardize the goal of maturing the system. AR, Tab Q, Tech. Evaluation Report

⁹ Tableau CRM is a tool to “collect and analyze data.” AR, Tab Q, Tech. Eval. Report at 18; see *also* Tab M, NewGen Quotation at 9 (“Tableau CRM analytics can provide Tableau platform solution within Salesforce by building customer [] dashboards and provide sophisticated data aggregation and collection capabilities.”).

at 18. Although NewGen maintains that this conclusion was based on an unstated evaluation criterion, we do not agree that the solicitation must specifically direct vendors to propose only innovations that were already FedRamp approved for the agency to reasonably conclude that the absence of FedRamp approval could strain resources and jeopardize the primary requirement. In this regard, while the protester does not dispute that FedRamp approval is necessary, the record reflects that NewGen's quotation neither explained that its proposed tools are FedRamp-approved nor included adequate discussion of how approval can be achieved while also allocating sufficient resources to mature the system. The protester's disagreement with the agency's evaluation in this regard, without more, does not provide a basis to sustain the protest.

In addition, although NewGen challenges the agency's finding that its quotation "demonstrates a lack of innovation" on the basis that the quotation discusses multiple tools that are already in place, the protester does not dispute that the tools it proposed are already in use by FEMA. Protest at 9-15. Rather, the protester maintains that the agency's evaluation was unreasonable because "the [s]olicitation did not require that the tools themselves be new." Protest at 14 (citing RFQ at 29). As noted above, the RFQ required that NewGen demonstrate its "knowledge and ability to innovate within a Salesforce environment." RFQ at 29. We fail to see, and the protester has not otherwise demonstrated, how proposing existing tools that are already in place, demonstrates innovation. In addition, while the protester points to aspects of its quotation that it asserts demonstrate how it can "innovate within Salesforce" as the RFQ requires, the protester's disagreement, without more, is not sufficient to demonstrate that the agency's evaluation was improper or otherwise unreasonable. AR, Tab Q, Tech. Evaluation Report at 18. This protest ground is denied.

As noted above, in addition to disputing the agency's findings of decreased confidence, NewGen challenges FEMA's evaluation of its quotation under the technical approach factor on the basis that the agency improperly failed to assess numerous additional strengths to its quotation, which should have resulted in "finding[s] of increased confidence" by the agency. Comments at 6. For example, the protester asserts that NewGen "proposed using '[DELETED].'" *Id.* at 7. The protester maintains that "[t]his is an innovative approach" and "deserved [a] finding [] of increased confidence." *Id.*

The agency responds that it thoroughly evaluated NewGen's quotation and concluded that these aspects of the protester's quotation did not "warrant a positive finding." MOL at 24. Although NewGen asserts that these aspects of its quotation are innovative or "included approaches that it would leverage to meet and exceed the [s]olicitation's requirements and therefore would 'be beneficial to the [g]overnment or greatly increase the probability of successful contract performance,'" Comments at 6, the protester has not demonstrated for any of these aspects how its quotation exceeded the requirements of the solicitation such that they warranted a strength/increased confidence. The protester's disagreement with the agency's judgment, without more, does not provide a basis to sustain the protest. *TeleCommunication Sys., Inc.*, B-408269.2, Dec. 13, 2013, 2013 CPD ¶ 291 at 4.

Corporate Experience

NewGen challenges the agency's assessment of two findings of decreased confidence to its quotation under the corporate experience factor, which resulted in a rating of moderate confidence for its quotation under this factor. The findings of decreased confidence were for (1) failing to discuss defects requiring immediate attention, and (2) failing to demonstrate a solution to manage competing priorities across the centers. The protester alleges, with regard to the first, that the agency improperly based its evaluation on an unstated evaluation criterion. As for the second finding of decreased confidence, the protester maintains that the agency improperly based its evaluation solely on only one of the two corporate experience references that NewGen included in its quotation and otherwise "overlooked or ignored the plain language of NewGen's [quotation]." Comments at 5. We find no merit to either argument.

For the corporate experience factor, the solicitation presented vendors with four factors and provided that "[t]he Government will assess its confidence that the [vendor] can successfully perform the requirements of the solicitation based on the answers provided" for those four factors. RFQ at 32. The four factors included: (1) integrating multiple program offices with competing case management priorities with each having a customized workflow; (2) developing a 360-degree view of the customer among different contact centers with different priorities; (3) utilizing Agile framework to develop and implement enhancements, fixes, and improvements in functionality, and distinguishing these from routine maintenance; and (4) supporting a rapidly increased influx of inquiries. The solicitation explained that: "For instance, FIMA realizes an increase of inquiries associated with disaster activity[; c]urrent daily activity for the existing contact center averages approximately 10,000 inquiries per month (with a high month of 17,000 cases and a low month of 8,000 cases)." *Id.* at 30.

The solicitation also provided that vendors would be evaluated "on their ability to demonstrate relevant business experience that supports their proposed strategy for utilizing their technical experience." *Id.* at 33. Additionally, the solicitation stated that FEMA "will evaluate each Contractor's Technical Capability to determine their capacity to perform all requirements outlined in the Performance Work Statement (PWS)." *Id.* Lastly, the solicitation provided that "[c]onsideration will be given to the relevancy of corporate experience and the anticipated benefits and/or risks to the Government as demonstrated in the [vendor's] responses to the questions" and "[g]reater consideration will be given to relevant demonstrated experience." *Id.*

In response to the above requirement pertaining to experience utilizing an Agile framework, NewGen's quotation provided that it "utilizes [DELETED]" and that "[DELETED]." AR, Tab M, NewGen Tech. Quotation at 29.

In evaluating the protester's quotation, the evaluators found that while NewGen's quotation advised that its methodology for utilizing agile framework is "[DELETED]," the quotation did not "demonstrate experience addressing defects that require immediate attention and instead . . . any fixes must follow the [DELETED] solution outlined in the [quotation]." AR, Tab Q, Tech. Evaluation Report at 21 (citing AR, Tab M, NewGen

Tech. Quotation at 29). The evaluators concluded that this approach gave the government “low confidence that the [v]endor can meet the government’s need for efficiency, effectiveness, and customer-oriented solutions when high profile or immediate fixes are needed or [when] simply implementing routine maintenance.” *Id.*

The protester argues that the agency’s evaluation was unreasonable because the solicitation did not expressly state that vendors must demonstrate how they have handled defects requiring immediate attention. The protester therefore maintains that the agency’s evaluation was based on an unstated evaluation criterion.

In response, the agency notes that it further clarified this requirement in questions and answers to the RFQ, which were provided as amendment 3 to the RFQ. In particular, when asked to share “the current release cadence (e.g. every 2 weeks or 4 weeks with next release being xyz date,” the agency responded that “[p]resently releases [are] quarterly” but with respect to “[m]aintenance and operational defects, fixes are daily.” AR, Tab L, Questions and Answers (Q&As) at 3.

In reply, the protester points generally to page 30 of its quotation, asserting that “NewGen demonstrated a wealth of experience with fixes and other solutions.” Comments at 5 (citing Tab M, NewGen Tech. Quotation at 30). The protester also asserts that it “never stated that it would not fix maintenance and operational defects daily.” *Id.*

We find the agency’s concern regarding the protester’s failure to demonstrate experience addressing defects that require immediate attention was reasonably related to the RFQ’s stated requirements. Procuring agencies are not required to list as stated evaluation criteria every area that may be taken into account; rather, it is sufficient that the areas considered in the evaluation be reasonably related to or encompassed by the stated criteria. *Syneren Technologies Corp.*, B-418541.2, B-418541.3, Sept. 25, 2020, 2020 CPD ¶ 372 at 4. Here, the solicitation required vendors to demonstrate experience implementing fixes, and the solicitation’s Q&As clarified that fixes are performed daily. We find nothing unreasonable regarding the agency’s assessment of a finding of decreased confidence based on concerns about how the daily fixes would be performed in light of NewGen’s proposed approach that relied on a [DELETED] schedule.

Further, while the protester cites generally to a page in its quotation as support for its assertion that its quotation addressed the requirement, the protester does not point to any specific language or experience discussed on the cited page that actually “demonstrate(s) a wealth of experience with fixes and other solutions.” Comments at 5 (citing Tab M, NewGen Tech. Quotation at 30). In addition, although the protester claims that its quotation never stated that NewGen would not fix maintenance and operational defects daily, the protester does not point to any place in its quotation where NewGen explained or demonstrated experience providing daily maintenance and operational defects. While the protester disagrees with the agency’s evaluation, this disagreement, without more, fails to provide a basis to sustain the protest.

We similarly find unavailing NewGen's challenge to the agency's second finding of decreased confidence under the corporate experience factor, which was that NewGen's quotation failed to "adequately demonstrate [its] approach to how [it] would manage competing priorities with customized workflows across FIMA's various contract centers." AR, Tab Q, Tech. Evaluation Report at 21.

NewGen maintains that FEMA "neglected to read" portions of its quotation that the protester claims address how it "has handled customized workflows across various locations." Protest at 18. In particular, the protester asserts that its quotation "[DELETED]." *Id.* (citing AR, Tab M, NewGen Tech. Quotation at 28). The protester contends that its quotation "described aspects of this platform in a bulleted list that included the following point: '[DELETED].'" *Id.* The protester argues that this statement in its quotation "directly addresses how NewGen has handled customized workflows across various locations" and therefore, the agency's evaluation was unreasonable. *Id.*

The agency responds that it considered the quoted language in the protester's quotation during its evaluation and "found it lacking." MOL at 21.

Based on our review, we find the agency's evaluation was reasonable. As noted above, the evaluators found that NewGen's quotation failed to "adequately demonstrate [its] approach to how [it] would manage competing priorities with customized workflows across FIMA's various contract centers." AR, Tab Q, Tech. Evaluation Report at 21. Although the protester points to its quotation as support for its position that it in fact addressed this requirement, NewGen fails to allege or otherwise demonstrate that its quotation articulated experience with "integrating multiple program offices," much less with managing "competing case management priorities" between such program offices, or that each had a "customized workflow." Protest at 5, 18. Indeed, the cited sentence in NewGen's quotation only states generally that it provided "[DELETED]."¹⁰ AR, Tab M, NewGen Tech. Quotation at 31. It was NewGen's obligation to submit an adequately written quotation, and again, NewGen's disagreement with the evaluation, without more, is insufficient to demonstrate that the agency's evaluation was unreasonable. As such, this protest ground is denied.

¹⁰ In its comments, NewGen revises its argument to assert that information provided in its quotation from a different reference addressed the requirement. Comments at 5. Our regulations, however, 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 the earlier allegations of impropriety. See *Star Food Serv., Inc.*, B-408535, Nov. 1, 2013, 2013 CPD ¶ 246 at 4. We will dismiss a protester's piecemeal presentation of arguments that could have been raised earlier in the protest process. *Id.* To the extent the protester raises in its comments additional examples from its quotation to demonstrate that it met the requirement, there is no evidence that the examples could not have been timely asserted in the initial protest. Accordingly, any such allegation is untimely and will not be considered. *Id.*; 4 C.F.R. § 21.2(a)(2).

Staffing and Management Plan

NewGen also argues that FEMA's evaluation of the firm's staffing and management plan was unreasonable. The protester asserts that its quotation should not have been assessed a finding of decreased confidence for its key personnel.¹¹

The staffing and management plan factor required vendors to provide a plan addressing "the number, experience, and skill mix of all staff proposed to meet [the] contract requirements." RFQ at 30. Vendors were instructed to "demonstrate an appropriate and realistic approach to skill mix and level of effort for the requirement." *Id.* In evaluating NewGen's plan, the agency noted that NewGen's quotation "suggests that one of the Key Staff will fill three Labor Categories," including: "Project Architect, Technical Solutions Architect, and Level[] II Salesforce Engineer/Scrum Master[.]" AR, Tab Q, Tech. Evaluation Report at 21. The agency found that this approach "decreas[es] the government's confidence because the government foresees requiring a full FTE [full-time equivalent] [for] each of these Key Staff positions to successfully meet the requirements of the PWS." *Id.*

The protester responds that the agency was "wrong" to find that one of its key staff would fill three separate positions. According to the protester, with regard to the labor categories at issue here, it proposed two key staff to fill two positions. Protest at 19. In particular, the protester notes that its quotation included a labor category for project architect and clearly provided a resume for the individual proposed to fill this key position. Protest at 19; AR, Tab M, NewGen Quotation at 36, 45-46. Similarly, the protester asserts that its quotation included a single labor category (not two labor categories as the evaluators found) for "Technical Solutions Architect – Level II (Salesforce Engineer/Scrum Master)" and that its quotation provided a resume for a different person who was proposed to fill this key position. Protest at 19; AR, Tab M, NewGen Quotation at 36, 43-44.

In responding to this allegation, the agency did not provide a meaningful explanation for how it determined that NewGen's quotation was proposing one person to fill three key positions. See MOL at 22-23. Indeed, consistent with the protester's position, the record reflects that NewGen's quotation identified the positions in question as two (not three) labor categories--project architect and salesforce engineer/scrum master--and included two resumes for separate individuals who would fill the positions. AR, Tab M, NewGen Quotation at 36, 43-46.

¹¹ The protester also initially challenged the agency's assessment of a second finding of decreased confidence to NewGen's quotation under the staffing and management plan factor for NewGen's failure "to adequately demonstrate its team organization[.]" Protest at 19. While the agency substantively addressed this argument in its agency report, the protester failed to substantively reply to the agency's response. We therefore consider the protest ground abandoned. 4 C.F.R. § 21.3(i)(3); see *SPATHE Sys. LLC*, B-420463.2, June 13, 2022, 2022 CPD ¶ 146 at 8 n.12.

The agency instead provides an alternative explanation to justify that “FEMA was reasonable in questioning the [p]rotester’s proposed allocation of labor.” MOL at 22. In this regard, the agency notes that the “Performance Work Statement listed ‘Salesforce Engineer’ and ‘Scrum Master’ as two separate key positions.” *Id.* The agency continues: “Although the [RFQ] explained that personnel could perform both roles [i.e., salesforce engineer and scrum master] simultaneously[,] NewGen proposed one key individual spending 5004 hours a year performing these duties[.]” *Id.* (citing AR, Tab M, NewGen Quotation at 36, 43-44).

While we agree with the agency that the allocation of hours intended for the salesforce engineer/scrum master labor category in NewGen’s quotation could have been more clear, we do not agree that any confusion by the agency regarding the number of labor hours sufficiently justifies FEMA’s conclusion in the evaluation that the agency “foresees requiring a full FTE [full-time equivalent] [for] each of these Key Staff positions.”¹² AR, Tab Q, Tech. Evaluation Report at 21. In fact, this evaluation finding appears to conflict with guidance provided by the agency in Q&As--concerning the salesforce engineer key position and scrum master key position--which clarified that “[o]ne individual can perform both roles, or separate individuals can perform the roles.” AR, Tab L, Q&As at 9 (Q&A No. 128). The record reflects that NewGen proposed an individual to fill the key position of salesforce engineer/scrum master. AR, Tab M, NewGen Tech. Quotation at 43-44. To the extent the agency assessed a finding of decreased confidence to NewGen’s quotation based on the belief that NewGen was required to provide a full FTE for both the salesforce engineer position and the scrum master position, the agency’s evaluation conflicts with the plain terms of the RFQ. The agency has otherwise failed to provide meaningful justification to support its finding. Accordingly, we find the record fails to show a reasonable basis for the agency’s finding of decreased confidence.

Despite the improper assessment of the finding of decreased confidence, we see no basis to conclude that NewGen was competitively prejudiced by the error. As previously referenced, where the record establishes no reasonable possibility of prejudice, we will not sustain a protest irrespective of whether a defect in the procurement is found. *Procentrix, Inc., supra.*

Here, the record shows that NewGen’s quotation was rated low confidence under the staffing and management plan factor based on two findings of decreased confidence (and no findings of increased confidence). AR, Tab, Q, Tech. Evaluation Report at 21. Even if the quotation’s rating were increased to moderate confidence for this factor, as the protester asserts, see Comments at 7, the awardee’s quotation still received the higher rating of high confidence for this factor--a rating that the protester does not challenge. *Id.* at 4. Further, the ratings of NewGen’s quotation under the other two factors--low confidence under the technical approach factor (based on five decreased confidence findings and one increased confidence finding) and moderate confidence

¹² We note that the protester also explains that, in addition to proposing an individual for the key salesforce engineer/scrum master position, it proposed another individual “[DELETED].” Protest at 19 (citing AR, Tab M, NewGen Tech. Quotation at 61).

under the experience factor (based on two decreased confidence findings and three increased confidence findings)--would be unchanged. AR, Tab Q, Tech. Evaluation Report at 18-21. Compared to the ratings of high confidence that the awardee's quotation received under all three factors, NewGen has not shown that the relative merits of the vendors' quotations would have changed if the agency had not assessed the decreased confidence regarding NewGen's key personnel.

Indeed, in describing the basis for selecting the awardee's technically superior quotation over NewGen's lower-priced quotation, the SSA noted that NewGen had "numerous areas where the Government's confidence was decreased," which "creates questions of whether they fully understand the requirement or have the resources in place to be successful." AR, Tab R, Award Decision Memo at 11. By contrast, the SSA found that the awardee's higher price was justified by its "far superior technical approach and understanding of the requirement." *Id.* The protester has not shown that eliminating one of two decreased confidence findings for the staffing and management plan factor would have altered the award decision. As such, NewGen has not demonstrated prejudice, and we deny this aspect of the protest. See, e.g., *Inquiries, Inc.*, B-418486 *et al.*, May 27, 2020, 2020 CPD ¶ 182 at 6 (finding protester not competitively prejudice where, even if its quotation had been assessed one less weakness, its rating and status would not have changed); *ValidaTek-CITI, LLC*, B-418320.2 *et al.*, Apr. 22, 2020, 2020 CPD ¶ 149 at 6 (finding protester not prejudiced where an increase in the past performance rating assigned by the agency would not have changed the protester's competitive standing).

Best-Value Tradeoff Determination

Finally, NewGen argues that because the underlying evaluation was flawed, the agency's best-value determination was unreasonable. This allegation is derivative of the protester's challenges to the agency's evaluation, all of which we have denied as set forth above. Thus, we dismiss this allegation because derivative allegations do not establish an independent basis of protest. *Advanced Alliant Solutions Team, LLC*, B-417334, Apr. 10, 2019, 2019 CPD ¶ 144 at 6.

The protest is denied.

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