



441 G St. N.W.
Washington, DC 20548

Comptroller General
of the United States

Decision

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Matter of: Horizon Industries, Ltd.

File: B-421663; B-421663.2; B-421663.3; B-421663.4

Date: August 10, 2023

Daniel Strouse, Esq., John J. O'Brien, Esq., and Jason W. Moy, Esq., Cordatis LLP, for the protester.

Emily J. Chancey, Esq., W. Brad English, Esq., Jon D. Levin, Esq., and Nicholas P. Greer, Esq., Maynard Nexsen, P.C., for Candor Solutions LLC, the intervenor.

Brian C. Habib, Esq., and Paul B. Oman, Esq., Department of Homeland Security, for the agency.

Heather Self, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging evaluation of the protester's proposed key personnel and resulting finding of ineligibility for award is denied because the evaluation was reasonable and consistent with the solicitation.

2. Protest challenging evaluation of the awardee's proposal is dismissed because the protester is not an interested party to raise the challenge where its own proposal reasonably was found ineligible for award.

DECISION

Horizon Industries, Ltd., a small business of Vienna, Virginia, protests the issuance of a task order to Candor Solutions LLC, a small business of Huntsville, Alabama, under request for proposals (RFP) No. 70RTAC22R00000003 issued by the Department of Homeland Security (DHS) for information technology (IT) services. The protester challenges the agency's evaluation of proposals and resulting source selection decision.

We deny the protest.

BACKGROUND

On March 9, 2022, using the procedures of Federal Acquisition Regulation subpart 16.5, the agency issued the solicitation to small business holders of indefinite-delivery, indefinite-quantity (IDIQ) contracts under the National Institutes of Health's Chief Information Officer-Solutions and Partners 3 governmentwide acquisition contract vehicle. Contracting Officer's Statement (COS) at 3; Agency Report (AR) Tab 13a, RFP

at 1, 32.¹ The solicitation sought proposals for the provision of a “comprehensive IT asset management program.” RFP at 7. The solicitation defined “IT assets” as including “laptops/Desktops and Peripherals, Monitors, Toner and Mobile Devices.” *Id.* at 6. The contractor will be responsible for performing services such as program management, asset receiving, asset storage (including contractor provision of a storage warehouse), asset handling/issuance, asset transportation/delivery, asset tracking, and asset disposal and reuse. *Id.* at 7, 14.

The solicitation anticipated award of a single time-and-materials task order on a best-value tradeoff basis considering price and the following non-price factors: (1) management; and (2) technical-warehouse operations. RFP at 32, 41-42. The management factor was more important than the technical-warehouse operations factor, and the two non-price factors combined were more important than price. *Id.* at 41. As relevant here, the management factor consisted of six “areas” of consideration, one of which was key personnel. *Id.* at 38-40. For the non-price factors, the agency assigned adjectival ratings of high confidence, some confidence, or low confidence. AR, Tab 17, Best-Value Report at 8.

The agency received five proposals, including those submitted by the protester and awardee. COS at 5. The agency evaluated the protester’s and awardee’s proposals as follows:

	Horizon	Candor
Management Factor	Low Confidence	Some Confidence
Technical-Warehouse Operations Factor	Some Confidence	Some Confidence
Price	\$20,706,846.50	\$18,015,350.45 ²

AR, Tab 17, Best-Value Report at 24. Based on the evaluation results and a comparative assessment of proposals, the source selection official (SSO) selected Candor’s higher-rated, lower-priced proposal for award. AR, Tab 18, Source Selection Decision at 12. Following notification of the award decision and receipt of a debriefing, Horizon, the incumbent contractor, filed this protest with our Office. COS at 2, 5.

DISCUSSION

Horizon challenges multiple aspects of the agency’s evaluation of the firm’s proposal, most importantly the evaluators’ findings that two of Horizon’s proposed key personnel failed to meet the solicitation’s minimum experience requirements and the SSO’s

¹ Our citations use the Adobe PDF pagination of documents in the record. References to the RFP are to the conformed solicitation, issued as amendment 10.

² The value of the protested task order exceeds \$10 million. Accordingly, this protest is within our jurisdiction to hear protests of task orders placed under civilian agency IDIQ contracts. 41 U.S.C. § 4106(f)(B)(2).

determination that Horizon, therefore, was ineligible for award. Horizon also raises a myriad of challenges to the agency's evaluation of the awardee's proposed warehouse space. For the reasons discussed below, we deny in part and dismiss in part the protest.³

Evaluation of Protester's Key Personnel

The solicitation designated three personnel positions as key--program manager, warehouse manager, and quality manager--and required offerors to submit resumes for the individuals proposed to fill these three positions. RFP at 17-20, 35-36. The evaluators found that Horizon proposed individuals for two of the required key personnel positions that did not meet the minimum number of years of experience required by the solicitation. AR, Tab 19, Horizon Technical Evaluation Report. at 6, 8. The SSO concluded that proposing key personnel without the requisite experience "constitute[d] deficiencies and represent[ed] a failure of Horizon to meet the material terms of the solicitation, which render[ed] it ineligible for award." AR, Tab 17, Best-Value Report. at 28.

Horizon challenges the agency's evaluation that two of the firm's proposed key personnel failed to meet the solicitation's experience requirements, and the resulting finding that Horizon was ineligible for award. See *generally* Protest at 6-13; Comments & 2nd Supp. Protest at 1-14. The agency responds that its evaluation was reasonable and consistent with the solicitation, and that because Horizon's key personnel failed to meet material solicitation requirements, the SSO properly deemed the firm ineligible for

³ The protester also contends that the awardee made two material misrepresentations in its proposal--one regarding its proposed warehouse and one regarding its prior experience. Protest at 15-16; Supp. Comments & 3rd Supp. Protest at 4-5. The protester later withdrew these contentions. Comments & 2nd Supp. Protest at 1 n.1; 2nd Supp. Comments at 1. Accordingly, we do not address them further.

Additionally, the protester initially alleged the awardee had an unequal access to information type organizational conflict of interest (OCI). Supp. Protest at 2-3. We dismissed this allegation prior to submission of the agency's report responding to the protest. Notice of Partial Dismissal at 1. In our dismissal, we noted that the protester alleged "without citation or supporting documentation, that the government's project manager for Horizon's incumbent contract provided tours of Horizon's warehouse to potential offerors" and that Horizon "speculate[d] that [the] government employee 'offered commentary about how Horizon had set up its warehouse, including what the agency liked and did not like'" during the tours. *Id.* at 2. Horizon, however, "provide[d] no support for its knowledge of the content of these tours." *Id.* Accordingly, we dismissed the protester's OCI allegation as it did "not set forth hard facts that [met] the standard for review of OCI protest arguments," and, thus, failed to state a valid basis of protest. *Id.*; citing 4 C.F.R. § 21.5(f); *ICI Servs. Corp.*, B-418255.5, B-418255.6, Oct. 13, 2021, 2021 CPD ¶ 342 at 19 (dismissing allegation where the protester "speculate[d] that an unequal access to information-OCI may exist").

award. See generally COS at 7-24; Memorandum of Law (MOL) at 10-28; AR, Tab 30, Decl. of Technical Evaluation Team (TET) Chair at 1. For the reasons discussed below, we deny the protester's challenge.

In reviewing protests challenging an agency's evaluation of proposals in a task order competition, our Office does not reevaluate proposals, but examines the record to determine if the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. *Facility Mgmt. Servs., Inc.*, B-418526 *et al.*, May 20, 2020, 2020 CPD ¶ 180 at 4. An offeror's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *Id.* Further, where, as here, a solicitation requires resumes for key personnel, these form a material requirement of the solicitation. *HumanTouch, LLC*, B-419880 *et al.*, Aug. 16, 2021, 2021 CPD ¶ 283 at 6. It is a fundamental principle that a proposal that fails to conform to a material solicitation requirement is technically unacceptable and cannot form the basis of award. *Id.*; *Wyle Laboratories, Inc.*, B-412964, B-412964.3, May 27, 2016, 2016 CPD ¶ 144 at 7-8.

As relevant here, the solicitation established the agency would evaluate "the degree to which the proposed key personnel have the qualifications and experience to perform the duties described in the [performance work statement (PWS)]." RFP at 39. The PWS, in turn, provided a position description and a bulleted list of experience and education requirements for each of the three key personnel positions. *Id.* at 18-20; 39-40. For the program manager position, the PWS required a "[m]inimum of 10 years of program management experience and a bachelor's degree or 5 years program management experience and a master's degree," and specific "[e]xperience with procurement and managing inventory levels, warehouse management, layouts, and optimization of space," as well as "experience overseeing 25 or more employees." *Id.* at 18, 39. For the quality manager position, the PWS required a "[a] minimum of 5 years quality management experience with a bachelor's degree or 10-year quality experience with an associate degree," and specific experience with a "Database Management System," as well as expressing a preference for "[i]ndustry experience in a warehouse or distribution center."⁴ *Id.* at 19, 40.

⁴ In the section of the solicitation setting forth the evaluation factors, the key personnel "minimum" education and experience requirements from the PWS portion of the solicitation were repeated, with the following prefacing statement: "Key personnel should possess the following experience and education requirements." RFP at 39-40. In its comments on the agency report, Horizon, for the first time argues that because the evaluation section used the word "should" to preface the "minimum" requirements, the requirements were not mandatory. Comments & 2nd Supp. Protest at 6-7. Thus, in the protester's view, any failures to meet the requirements could not be considered deficiencies rendering Horizon ineligible for award. *Id.* Our Bid Protest Regulations contain strict rules for the timely submission of protests, requiring improprieties evident from the face of a solicitation to be protested prior to the time set for receipt of proposals and requiring all other grounds of protest to be raised not more than 10 days after the

The record shows that the individual proposed by Horizon for the program manager key person position--who we refer to as "Y"--possesses a bachelor's degree, and, thus, was required to demonstrate a minimum of ten years of experience. AR, Tab 20, Horizon Technical Proposal at 34; RFP at 18. The record also reflects that Y served as the program manager on Horizon's incumbent contract from December 2020 to August 2022 (when proposals were submitted). AR, Tab 20, Horizon Technical Proposal at 32. In addition to the incumbent program manager position, Y's resume included descriptions of Y's prior experience as an: "IT Asset Manager"; "Service Desk Manager/QA [quality assurance] Manager"; "Technical Project Manager"; "Director of Information Technology"; and "Corporate IT Manager." *Id.* at 32-34. The evaluators found that Y's "resume reflect[ed] 2 years and 4 months experience as a Program Manager," and that the other positions held by Y "[spoke] to Asset Manager, or IT Technical Project Manager" experience. AR, Tab 19, Horizon Technical Evaluation at 6. The evaluators concluded that Y's "resume [did] not reflect the minimum required amount of 10 years of program management experience," that Y's "low level of experience" posed a risk, "could present challenges when addressing critical or time

protester knew or should have known their bases. 4 C.F.R. §21.2(a)(1)-(2). Our decisions explain that the piecemeal presentation of evidence, information, or analysis supporting allegations previously made is prohibited. *Raytheon Blackbird Techs., Inc.*, B-417522, B-417522.2, July 11, 2019, 2019 CPD ¶ 254 at 4. Our Office will dismiss a protester's piecemeal presentation of arguments that could have been raised earlier in the protest process. 4 C.F.R. § 21.2(a)(2); *American Roll-On Roll-Off Carrier Group, Inc.*, B-418266.9 *et al.*, Mar. 3, 2022, 2022 CPD ¶ 72 at 11 n.12.

Here, the record reflects that the post-award debriefing provided by the agency informed Horizon that its proposal was deemed ineligible for award based on the evaluators' conclusion that two key personnel did not meet the minimum experience requirements. AR, Tab 16, Horizon Debriefing at 5. Accordingly, at the time it filed both its initial and first supplemental protests, Horizon knew that the agency interpreted the solicitation as establishing mandatory minimum experience requirements for the key personnel positions, and that the agency considered Horizon's failure to meet these requirements to be disqualifying deficiencies.

While Horizon argues in its initial protest that its key personnel met the solicitation's experience requirements, it waited until submitting its comments on the agency report to raise its alternative argument that the experience requirements were not mandatory and could not form the basis of a disqualifying deficiency. Protest at 6-15; Comments & 2nd Supp. Protest at 6-7. Even if we assume, for the sake of argument, that the solicitation's mixed use of the terminology "minimum" and "should," did not present a patent ambiguity that was required to be protested prior to the time set for receipt of proposals, Horizon's alternative argument is still untimely as it was not raised until more than ten days after the protester knew or should have known its basis. Accordingly, we will not consider this later provided basis challenging the agency's evaluation of Horizon's proposal as ineligible for award. *See e.g., SeaTech Security Sols.; Apogee Group, LLC*, B-419969.6, B-419969.7, Apr. 21, 2023, 2023 CPD ¶ 104 at 13-14 n.7.

sensitive mission tasks,” and “increase[d] the potential of errors and mismanagement in the warehouse operations” that “could result in the increase of costs, delivery delays, and overall negatively affect” the mission.⁵ *Id.*

Horizon argues that Y met the solicitation’s experience requirements, that the “agency relied on the titles of the positions held without diving into the details of those positions,” and that “[h]ad the agency done so, it would have seen that [Y] did not just provide ‘2 years and 4 months experience as Program Manager,’ but has provided similar experience across a vast array of roles.” Protest at 7. Specifically, Horizon argues that the descriptions of the positions on Y’s resume show experience performing the same types of functions as described in the solicitation’s position description for the program manager key person position. *Id.*

The solicitation’s position description for the program manager key person position reads:

Organizes, directs, and manages task order operation support functions, involving multiple complex and inter-related project tasks in unclassified environments. Manages teams of contractor support personnel. Maintains and manages the client interface at the senior levels of the client organization. Meets with customer and Contractor personnel to formulate and review task plans and deliverable items. Ensures conformance with program task schedules and costs. Establishes and maintains technical and financial reports to show progress of projects to management and customers, organizes and delegates responsibilities to subordinates and oversees the successful completion of all assigned tasks. Monitors all DHS project requests for IT asset requirements and

⁵ The evaluators prepared their consensus evaluation report in a table format, with one column listing strengths and one column listing weaknesses assessed in Horizon’s proposal for each evaluation element. See *generally* AR, Tab 19, Horizon Technical Evaluation; Tab 30, Decl. of TET Chair at 1 ¶ 1. The above-discussed conclusion that Y had insufficient experience was included in the weaknesses column of the evaluation report for this key person evaluation element. AR, Tab 19, Horizon Technical Evaluation at 6. In the strength column for the same element, however, the evaluation report stated: “Based upon evaluation of the proposal factor the requirements were met. No strengths are identified.” *Id.* The agency explains the language in the strength column was “boilerplate language” that was inadvertently used and was “in no way meant to contradict that assessment” detailed in the weakness column that Y failed to meet the solicitation’s requirements. AR, Tab 30, Decl. of TET Chair at 1 ¶ 2. Consistent with the agency’s explanation, the record shows the evaluators included this same “boilerplate language” in the strength column for every evaluation element for which the evaluators did not assess any strengths in Horizon’s proposal. AR, Tab 19, Horizon Technical Evaluation at 2-9. Based on the totality of the contemporaneous record, we find reasonable the agency’s explanation of the conflicting statements in the evaluation report.

responses to occasional urgent, time-sensitive or emergency Government requirements.

RFP at 18.

Horizon asserts that, in addition to the 2 years and 4 months Y performed as the incumbent program manager, the following excerpts from three other positions on Y's resume include the same type of duties listed in the solicitation such that Y's time performing these duties should have counted toward the 10-year minimum experience requirement regardless of the job title. Protest at 8-9. First, from Y's ".7 years" as an "IT Asset Manager," Horizon points to the resume's description that Y:

Managed multiple distribution functions including supply chain, logistics planning, and distribution center operations. Planned and supervised assignments, generally involving larger and more important projects or multiple projects. Developed processes to efficiently meet customer Service Level Agreements (SLA) and Required Delivery . . . [and] conducted performance evaluations and salary reviews for assigned staff and is responsible for the application of company policies.

Id. at 8-9; *citing* AR, Tab 20, Horizon Technical Proposal at 32-33.

Second, from Y's "6.75 years" as a "Service Desk Manager/QA Manager," Horizon calls out that Y: "Developed, improved, and implemented and managed the operational process disciplines with a culture of accountability focused on customer satisfaction and quality of service," "[a]ssess[ed] department performance through various statistical and reporting methodologies," and "[d]evelop[ed] processes to monitor trends based on customer calls, issues, queries and recommend[ed] ways to improve the quality of technical service as well as reducing repeat incidents." Protest at 9, *citing* AR, Tab 20, Horizon Technical Proposal at 33. Third, from Y's "1.2 years" as a "Technical Project Manager," the protester points out that Y: "[p]rovided overall Information Technology Infrastructure Operations and Management support for The Export-Import Bank," highlighting that Y "[e]nhanced collaboration between senior level business and technical resources," and had "[m]anagement experience overseeing ~30 employees." Protest at 9, *citing* AR, Tab 20, Horizon Technical Proposal at 34. In total, Horizon contends, Y's various positions comprise "10.95 years of experience" performing the type of duties set out in the solicitation's program manager position description. Protest at 9.

The agency explains that the evaluators' found Y's experience in roles other than the incumbent program manager position was not "relevant to the duties of the Program Manager" key person position "based upon the job titles and corresponding descriptions of the work performed" in each position. COS at 15. The agency maintains that Y's experience as an "IT Asset Manager and the other positions [listed on Y's resume] did not directly correlate to [the] duty description of the program manager." *Id.* For example, with respect to Y's "IT Asset Manager" position, the agency contends the

solicitation requires the program manager to “be responsible for managing ‘multiple complex and inter-related project tasks’ outside of IT asset management, and that, unlike Y’s experience on the incumbent contract managing a “large, complex task order,” the description of Y’s “IT Asset Manager” position “only demonstrates that [Y] managed multiple distribution functions related to IT assets” but not complex inter-related projects, as called for by the solicitation. MOL at 15, *citing* RFP at 18.

Further, the agency argues the description shows only that Y oversaw staff directly involved with IT asset management work, but not “‘teams’ of contractor support personnel” for inter-related projects, as required by the solicitation. MOL at 16, *citing* RFP at 18. Similarly, the agency characterizes Y’s experience as a “Service Desk Manager/QA Manager” as demonstrating only that Y “[d]eveloped, improved, and implemented and managed the operational process disciplines’ for the ‘Service Desk’ and “[Quality Assurance]’ functions,” which was not comparable to the management of “multiple complex and inter-related project tasks,” required by the solicitation. MOL at 16-17, *citing* RFP at 18. Finally, the agency asserts Y’s experience overseeing approximately 30 employees while serving as a “Technical Project Manager” was limited to oversight of “employees within an ‘Information Technology Infrastructure’ function,” and, thus, “does not demonstrate the kind of [program manager] experience with ‘[m]anaging task order operations functions, involving complex and inter-related tasks’ or of ‘teams’ of contractor support personnel like the RFP called for.” MOL at 17, *citing* RFP at 18.

With respect to the quality manager key person position, the record reflects that the individual proposed by Horizon--who we refer to as “Z”--possesses both a bachelor’s and a master’s degrees, and, thus, was required to only demonstrate a minimum of five years of experience. AR, Tab 20, Horizon Technical Proposal at 36; RFP at 19. Z’s resume includes descriptions of prior experience in positions as a: “Quality Manager”; “Quality Assurance Specialist”; and “Maintenance Technical Instructor/Writer.” AR, Tab 20, Horizon Technical Proposal at 35-36. Prior to performing in these positions, Z served in the United States Army for 17 years, achieving the rank of “Warrant Officer 1.” *Id.* at 36. The evaluators found that Z’s “resume only identifie[d] 12 months experience as a Quality Manager, and therefore [did] not satisfy the minimum 5 years Quality Manager experience requirement.” AR, Tab 19, Horizon Technical Evaluation at 8. The evaluators concluded that Z “[did] not meet the minimum experience requirement as identified in the solicitation.”⁶ *Id.*

⁶ The above-discussed conclusion that Z was unqualified was included in the weaknesses column of the evaluation report for this key person evaluation element. AR, Tab 19, Horizon Technical Evaluation at 8. As with the program manager key person element, in the strength column for the quality manager key person element the evaluation report erroneously stated: “Based upon evaluation of the proposal factor the requirements were met. No strengths are identified.” *Id.* As with the program manager key person element, the agency similarly explains that the TET’s inadvertent use of this “boilerplate language” was “in no way meant to contradict that assessment” detailed in

Similar to its contentions with respect to the program manager position, Horizon maintains that “the agency relied exclusively on job titles to conclude that [Z] lacked sufficient experience.” Protest at 10. Specifically, Horizon argues that the agency erroneously credited Z with only 12 months of experience because only Z’s most recent role was titled “Quality Manager.” *Id.* at 11. According to Horizon, had the agency reasonably reviewed the content of the positions described in Z’s resume, it would be apparent that Z met the 5-year minimum experience requirement. *Id.*

With respect to the quality manager key person position description, the solicitation provides:

Manage projects and labor on projects related to improving the quality of goods and/or improving processes within the Warehouse. Document and communicate all quality issues within the warehouse to the appropriate contractor and government personnel. Audit inbound and outgoing shipments for quality issues. Maintain equipment and housekeeping standards. Ensure warehouse flow and planning is maintained. Ensure proper stock rotation and all supplies needed for the warehouse are available for use. Assist with physical inventories. Ensure safety standards are met and comply with OSHA [Occupational Health and Safety Administration] standards. Demonstrate a thorough understanding of compliance with the company’s safety practices. Document attendance and participate in reviews for team members, coach, train and mentor members of the distribution team in the areas of quality.

RFP at 18-19.

Horizon asserts that, in addition to the 12 months experience credited by the evaluators for the “Quality Manager” position, the following excerpts from two positions on Z’s resume include the same type of duties listed in the solicitation such that Z’s time performing these duties should have counted toward the 5-year minimum experience requirement, regardless of the job title. Protest at 11-13. First, from Z’s “1.25 years” as a “Quality Assurance Specialist,” Horizon highlights:

Independently responsible for planning, coordination and direction of logistical operations and functions for more than \$160 million worth of Army supply, “[a]nalyzed technical and quality data to detect unsatisfactory trend, systemic problems and weaknesses in material quality . . . [and] [p]erformed Quality Assurance Surveillance Plans (QASP) for work environment and operational mission capabilities on

the weakness column that Z failed to meet the solicitation’s requirements. AR, Tab 30, Decl. of TET Chair at 1 ¶ 2. Again, based on the totality of the contemporaneous record, we find reasonable the agency’s explanation of the conflicting statements in the evaluation report.

more than 1500 contracted workers ensuring all activities were performed as prescribed.

Id. at 12, *citing* AR, Tab 20, Horizon Technical Proposal at 36.

Second, from the Z's "17 years" as a "Senior Manager (Rank: Warrant Officer 1)/U.S. Army," Horizon points out that Z: "Managed the storage and distribution of \$46,485,000 worth of excess [] supply back into the Army system," "[s]upervised manual and automated supply strategies and connected with supply and data processing teams to facilitate communication and collaboration," "[c]onducted Quality Assurance/Quality Control on subordinate unit's maintenance programs ensuring standard operating procedures for repairs were being followed resulting [in] 1430 pieces of excess equipment worth more than \$30 million being resubmitted back into [the system]," "[o]versaw logistical management of US Army supplies worth more than \$127 million," and "[c]onducted Risk Assessment for the safety of upward of 1500 personnel on multiple high level operations." Protest at 12-13, *citing* AR, Tab 20, Horizon Technical Proposal at 36. Horizon contends the agency "disregarded all of [Z's] work for the government, instead focusing on when a private contractor assigned [Z] a specific job title," and that in doing so "the agency turned a person with nearly 400 [percent] more experience than the job called for into a weakness." Protest at 13.

The agency explains that other than the most recent "Quality Manager" position, the other positions held by Z were "determined to not be relevant" because the position descriptions "did not provide any detailed quality management experience relevant to the duties of the Quality Manager position." COS at 23. For example, with respect to Z's "Quality Assurance Specialist" position, the agency contends that Z's experience with "planning, coordination and direction of logistical operations and functions for more than \$160 million worth of Army supply" addressed "the general management of functions associated with quality control under the contract," rather than experience specific to warehouse logistics, which is the type of work required under the solicitation. MOL at 24-25, *citing* Protest at 12 and RFP at 18-19. Similarly, the agency maintains that Z's "Quality Assurance Specialist" work--"[a]nalyz[ing] technical and quality data" to detect and resolve issues--did not relate to the quality manager duty of "improving the quality of goods and/or improving processes within the Warehouse." MOL at 25, *citing* Protest at 12 and RFP at 18.

Further, the agency argues that the areas of experience the protester focuses on from Z's service in the military show that Z "managed, supervised, and oversaw" various functions, but "none of them relate to quality control," which "is the central function of the [quality manager] under this contract." MOL at 25. Specifically, the agency characterizes Z's experience managing storage and distribution of supply items, supervising manual and automated supply strategies, and overseeing logistical management of more than \$127 million worth of U.S. Army supplies as the types of duties to be performed by the warehouse manager key person position, but not "related to overall quality control," which are the duties the solicitation set out for the quality manager key person position. *Id.* at 26, *citing* Protest at 12-13 and RFP at 18-19.

Although Horizon contends that the contents of Y's and Z's resumes were sufficient or should have been interpreted differently, the protester's disagreement with the agency's evaluation does not provide a basis to sustain the protest. Based on our review of the record, we find unobjectionable the agency's assessment that the experience examples provided in Y's and Z's resumes did not correlate closely enough to the solicitation's key person position descriptions to satisfy the minimum experience requirements. Accordingly, we deny Horizon's challenge of the agency's determination that the firm's proposal of insufficiently experienced key personnel constituted a failure to meet material solicitation requirements, rendering Horizon ineligible for award.⁷ See e.g., *All Native, Inc.*, B-411693 *et al.*, Oct. 5, 2015, 2015 CPD ¶ 337 at 4 (denying protester's contentions that the resume for its senior logistics manager key person position demonstrated the requisite acquisition logistics experience where the record provided no basis to question the agency's conclusion to the contrary).

Evaluation of Awardee's Warehouse

As noted above, the solicitation required offerors to propose a storage warehouse facility. RFP at 14. Horizon raises multiple challenges to the acceptability of the warehouse proposed by the awardee. See *generally* Comments & 2nd Supp. Protest at 30-36; Supp. Comments & 3rd Supp. Protest at 1-5, 11-20; 2nd Supp. Comments at 1-6. Horizon, however, is not an interested party to raise these challenges. Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3557, only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective bidder or offeror whose direct economic

⁷ Horizon also challenges the evaluators' assessment of weaknesses in the firm's proposal under the management factor relating to the protester's transition plan, daily priority and resource plan, asset receiving plan, and staffing plan. See Protest at 13-15; Supp. Protest at 4-14. While we do not discuss these challenges in detail, we have considered all of Horizon's arguments, and find that none provides a basis to sustain the protest.

For example, the agency concedes that it unreasonably assessed a weakness for Horizon not proposing a transition-out plan because the solicitation required offerors to submit only a transition-in plan. COS at 24-26, 28. The agency contends, however, that assessment of this weakness "was immaterial to [DHS's] determination of the Protester's ineligibility for award," and, thus, provides no basis to sustain the protest. MOL at 29. We agree. Competitive prejudice is an essential element of any viable protest; where a protester fails to demonstrate that, but for the agency's actions, it would have had a substantial chance of receiving the award, there is no basis for finding prejudice, and our Office will not sustain the protest, even if deficiencies in the procurement are found. *Blue Origin Federation, LLC; Dynetics, Inc.--A Leidos Co.*, B-419783 *et al.*, July 30, 2021, 2021 CPD ¶ 265 at 33. Here, even if the weakness related to Horizon's transition plan were removed, the protester's proposal would continue to be ineligible for award due to the failure of two of Horizon's proposed key personnel to meet the solicitation's minimum experience requirements.

interest would be affected by the award of a contract or the failure to award a contract.
4 C.F.R. § 21.0(a)(1).

Here, even if we were to conclude that the agency's evaluation of the awardee's warehouse was in error, the protester would not be in line for award because, for the reasons discussed above, the agency reasonably determined that Horizon's proposal was ineligible for award. In this regard, one of the other unsuccessful offerors, not Horizon, would have been next in line for award. Consequently, the protester is not an interested party to challenge the agency's evaluation of the awardee's proposal, and its allegations regarding the awardee's proposed warehouse are dismissed. See e.g., *HumanTouch, LLC, supra* at 12 (dismissing protester's challenges to evaluation of awardee's proposal where protester's proposal was deemed ineligible for award due to its receipt of a rating of fail under the key personnel resumes evaluation factor).

The protest is denied.

Edda Emmanuelli Perez
General Counsel