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Decision

Matter of: Computer Sciences Corporation

File: B-411449

Date: July 28, 2015

Carl J. Peckinpaugh, Esq., and Brian F. Wilbourn, Esq., Computer Sciences Corporation, for the protester.

Jason A. Carey, Esq., J. Hunter Bennett, Esq., and Patrick J. Stanton, Esq., Covington & Burling LLP, for Parsons Corporation, the intervenor.

Capt. Vera A. Strebel, Department of the Army, for the agency.

Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably assigned a weakness to protester's proposal based on the labor mix that protester proposed for specific solicitation requirements where the agency concluded that the proposed labor mix reflected insufficiently senior personnel.

DECISION

Computer Sciences Corporation (CSC), of Falls Church, Virginia, protests the U.S. Missile Defense Agency's (MDA) issuance of a task order to Parsons Corporation, of Pasadena, California, pursuant to request for task order proposals (RTOP) No. DE-01-14, to provide various systems engineering services supporting the MDA's mission.¹ CSC protests that the agency "irrationally assigned a weakness to CSC's proposal based on CSC's proposed staffing," and improperly adjusted CSC's proposed cost. Protest at 1-2.

We deny the protest.

¹ The MDA is a Department of Defense agency whose mission is to develop, test and field an integrated, layered, ballistic missile defense system to defend the United States, its deployed forces, allies, and friends against all ranges of enemy ballistic missiles in all phases of flight. Contracting Officer's Statement, May 18, 2015, at 1.

BACKGROUND

On June 3, 2014, the agency issued the RTOP to five contractors, including CSC and Parsons, that had previously been awarded indefinite-delivery indefinite-quantity (IDIQ) contracts for system engineering services.² The solicitation contemplated issuance of a cost-plus-fixed-fee task order and sought system engineering services, divided into 13 “performance objectives,” that will be performed at various locations including the National Capital Region, Huntsville, Alabama, and Colorado Springs, Colorado.³ Agency Report (AR), Tab 3, RTOP, at 0002, 0010, 0014.⁴ In submitting proposals, offerors were instructed to submit a technical volume, a cost volume, a stakeholder summary volume,⁵ and a past performance volume. RTOP at 0006-08. With regard to the technical volume, the solicitation directed that proposals must include “clear linkages between proposed approach, labor mix, and hours for each labor competency.” Id. at 6. With regard to the stakeholder summary volume, the solicitation required offerors to identify the resources being proposed for the various users/stakeholders, stating:

This volume will be available to support the evaluation of proposals by the technical and cost evaluators. The estimated resources anticipated are the proposed distribution of the total labor hours for each performance objective by the RTOP labor competency levels and locations. . . . The offeror shall ensure the information provided in the Stakeholder Summary Volume is consistent with the information provided in the Technical Volume.

Id. at 0007.

The solicitation contemplated award on a best-value basis and established the following evaluation factors, listed in descending order of importance: technical,⁶

² The IDIQ contracts were awarded in August 2010. Contracting Officer’s Statement, May 18, 2015, at 1.

³ In general, the solicitation’s requirements included: identification and definition of future capabilities; planning for technology demonstrations and risk reduction tests; development of transition plans; and administration/technical coordination of specified programs. Contracting Officer’s Statement, May 18, 2015, at 2.

⁴ The agency provided Bates numbering for the RTOP; accordingly, our citations to the RTOP reference those numbers.

⁵ For each performance objective, the solicitation identified the organizations that would use or be affected by the contractor’s performance, referring to those organizations as “stakeholders.” RTOP at 0023-81.

⁶ The solicitation established three technical subfactors: technical approach, key personnel and transition. With regard to technical approach, the solicitation

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cost,⁷ small business utilization⁸ and past performance. Id. at 0008. Finally, the solicitation required proposals to “be clear, concise, and shall include sufficient detail for . . . substantiating the validity of stated claims”; advised offerors that they should “assume that the Government has no prior knowledge of their expertise”; and warned that “[t]he Government will base its evaluation on the information presented in the offeror’s proposal.” RTOP at 0004.

On or before the July 3, 2014 closing date, proposals were submitted by four offerors, including CSC and Parsons. Thereafter, the agency conducted two rounds of discussions. Final revised proposals were submitted on January 7, 2015.

In evaluating CSC’s proposed technical approach, the agency identified three weaknesses:⁹ (1) the labor hours and labor mix proposed in CSC’s technical volume tables were inconsistent with its allocation of hours to various stakeholders in the stakeholder summary volume;¹⁰ (2) CSC’s technical volume was internally inconsistent with regard to the narrative description of the resources proposed and the tables reflecting the proposed labor hours and labor mix;¹¹ and (3) CSC

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provided that the agency would evaluate, among other things, the proposed “staffing (to include labor hours and mix to accomplish the PWS requirements).” RTOP at 0009.

⁷ With regard to cost, the solicitation provided that proposals would be evaluated “for reasonableness, realism and completeness and will consist of an integrated assessment of the proposed labor rates [and] . . . labor hours/mix.” RTOP at 0010. Offerors were further advised that the cost evaluation would consider whether the proposed costs “reflect a clear understanding of the requirements” and “are consistent with the various elements of the offeror’s technical volume.” Id.

⁸ With regard to the small business utilization factor, the solicitation provided that the agency would consider “[t]he percentage amount of the offeror’s Small Business Utilization” and stated that, rather than assigning an adjectival rating, offerors’ proposals would be assigned a ranking based on their proposed percentages. Id.

⁹ The agency also identified various strengths in CSC’s technical proposal. AR, Tab 12, Technical Evaluation Report, at 11-13.

¹⁰ The agency noted that CSC’s stakeholder summary volume made it appear that certain users/stakeholders would gain personnel at the expense of other user/stakeholders, but that inconsistency between the stakeholder volume and the technical volume made it impossible to establish the intended allocation. Id. at 13-14.

¹¹ The agency concluded that the internal inconsistencies in the technical volume made it difficult to determine how the proposed resources would be used to meet the solicitation requirements.

proposed a labor mix for performance objective (PO) No. [redacted] that was too heavily weighted with junior personnel.¹² AR, Tab 12, Technical Evaluation Report, at 14-15. Based on the third weakness, the agency made a [redacted] upward adjustment to CSC's evaluated cost, increasing total cost from [redacted] to \$51,946,487 (an increase of approximately [redacted]) to reflect a more senior workforce. Contracting Officer's Statement at 16. Overall, CSC's and Parsons' proposals were rated as follows:

	CSC	Parsons
Technical ¹³	Excellent	Exceptional
Technical Approach	Excellent	Exceptional
Key Personnel	Acceptable	Acceptable
Transition	Acceptable	Acceptable
Proposed Cost	[redacted]	\$52,405,003
Evaluated Cost	\$51,946,487	\$52,405,003
Small Business Utilization	2 nd	1 st
Past Performance	Satisfactory	Satisfactory

Protest exh. A, CSC Debriefing, at 17.

On March 12, 2015, the agency awarded a task order to Parsons based on its technically superior, slightly higher-priced proposal. This protest followed.¹⁴

¹² The solicitation provided that, pursuant to PO No. [redacted], the contractor will [redacted]. The agency concluded that CSC's proposed staffing included too many [redacted] and too few [redacted]. AR, Tab 12, Technical Evaluation Report, at 14-15.

¹³ Under the technical evaluation factor, proposals were assigned overall ratings of exceptional, excellent, satisfactory, and unacceptable. RTOP at 0008-09.

¹⁴ The estimated value of the task order at issue is greater than \$10 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of task orders under multiple-award indefinite-delivery, indefinite-quantity contracts. 10 U.S.C. § 2304c(e)(1)(B) (2012).

DISCUSSION

CSC's protest does not challenge any aspect of the agency's evaluation of Parsons' proposal, nor does it challenge the agency's assessment of the first two weaknesses in CSC's proposal (regarding staffing inconsistencies within CSC's proposal). Rather, CSC protests the agency's assessment of a weakness regarding CSC's staffing mix for PO No. [redacted], which was based on the agency's concern that the proposed mix was too heavily weighted with junior personnel. CSC challenges the reasonableness of this assessment asserting that, as the incumbent, it has "successfully performed the [redacted]." Protest at 11. Similarly, CSC challenges the agency's upward adjustment of its proposed costs to reflect a more senior labor mix. Id. at 14.

In reviewing protests challenging an agency's evaluation of proposals, our Office does not independently evaluate proposals. SOS Int'l, Ltd., B-402558.3, B-402558.9, June 3, 2010, 2010 CPD ¶ 131 at 2. We have long held that the evaluation of proposals is a matter within the discretion of the procuring agency and we will question an agency's evaluation only where the record shows that the evaluation does not have a reasonable basis or is inconsistent with the solicitation requirements and/or applicable statutes and regulations. Hardiman Remediation Servs., Inc., B-402838, Aug. 16, 2010, 2010 CPD ¶ 195 at 3. In this context, it is the obligation of an offeror to submit an adequately-written proposal, and the proposal of an offeror, including an incumbent contractor, must include all requested information regarding the offeror's capabilities to perform the contract requirements. United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19. Wegco, Inc., B-405673.3, May 21, 2012, 2012 CPD ¶ 161 at 3; Enterprise Solutions Realized, Inc.; Unissant, Inc., B-409642, B-409642.2, June 23, 2014, 2014 CPD ¶ 201 at 9. Although agency personnel may not ignore information of which they are personally aware in evaluating an offeror's past performance, see, e.g., Firestorm Wildland Fire Suppression, Inc., B-310136, Nov. 26, 2007, 2007 CPD ¶ 218 at 4, that principle is inapplicable where an offeror asserts that its inadequately written technical proposal should have been augmented by, and evaluated on the basis of, the offeror's performance under a prior contract. Enterprise Solutions Realized, Inc.; Unissant, Inc., supra.

Here, the record shows that, in evaluating CSC's final revised proposal, the agency stated:

[redacted]

This is a flaw in the proposal because this work requires predominantly [redacted] staff with limited support from [redacted] staff. This flaw increases

the risk of unsuccessful contract performance because a more senior labor mix will be better able to ensure the PWS [performance work statement] tasks are properly accomplished.

AR, Tab 12, Technical Evaluation Report, at 14-15.

In challenging the agency's assessment as "irrational," CSC protests that its proposal referenced CSC's "exceptional" performance of the incumbent contract, and advised the agency that it was proposing the [redacted] staffing mix [redacted]. AR, Tab 8, CSC Technical Volume, at 2, 35-36. Accordingly, CSC maintains that the agency was precluded from evaluating its proposed staffing mix as constituting a weakness.

Based on our review of the evaluation record, we find no basis to question the agency's evaluation of CSC's proposed performance of PO No. [redacted]. First, the record shows that, during both rounds of discussions, the agency expressed concern regarding CSC's reliance on [redacted] rather than [redacted] to perform the PO No. [redacted] requirements. Specifically, in the first round of discussions, the agency questioned CSC's proposed labor mix, stating: "Given the highly technical nature of the work [redacted], the percentage of [redacted] labor competency appears to be high." AR, Tab 4, First Request for Information (CSC), at 2. During the second round of discussions, the agency again referenced CSC's proposed labor mix for PO No. [redacted], stating: "The hours proposed in the [redacted] labor competency were insufficient to perform the requirements of this performance objective." AR, Tab 6, Second Request for Information (CSC), at 2.

Notwithstanding the agency's clear statements of its concern, nothing in CSC's final revised proposal provided a meaningful response regarding the basis for its proposed staffing mix other than CSC's assertions that it had performed a "bottom-up analysis" of the requirements, its references to its successful performance of the prior contract, and its observation that the PWS for the current solicitation was "similar" to the prior contract. AR, Tab 8, CSC Technical Proposal, at 3.

In our view, CSC's statements regarding the basis for its proposed staffing approach fail to comply with the solicitation requirement that proposals "shall include sufficient detail for . . . substantiating the validity of stated claims." RTOP at 0004. As noted above, an offeror, including an incumbent contractor, must include all requested information regarding its capabilities to perform the contract. United Def. LP, supra. Here, the agency clearly sought CSC's explanation supporting its leaner workforce and CSC failed to respond in a manner that altered the agency's judgment. Specifically, CSC's general reference to its prior successful performance as the incumbent

contractor was insufficient to meet the solicitation requirements. As noted above, an agency is not required to incorporate an offeror's prior performance record into the evaluation of an otherwise inadequate explanation of an offeror's proposed technical approach. Enterprise Solutions Realized, Inc.; Unissant, Inc., supra. Further, as the agency points out, CSC's past performance ratings under the incumbent contract were not broken down by specific tasks. Contracting Officer's Statement, May 18, 2015, at 15. Accordingly, even if we were to conclude that the agency was obligated to consider CSC's past performance in evaluating CSC's proposed technical approach--which we do not--CSC's assertion that it had successfully performed the prior contract fails to render unreasonable the agency's concerns regarding the staffing necessary to perform the specific tasks contemplated by PO No. [redacted].

In short, based on our review of the record here, we find no basis to question the reasonableness of the agency's evaluation of CSC's technical proposal, and CSC's protest challenging that evaluation is denied. Consistent with our determination that the agency reasonably assigned a weakness to CSC's proposal based on its proposed staffing mix, we also find nothing unreasonable in the agency's upward adjustment of CSC's evaluated cost related to that evaluated weakness.

The protest is denied.

Susan A. Poling
General Counsel