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Decision

Matter of: VariQ-CV JV, LLC

File: B-418551; B-418551.3

Date: June 15, 2020

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DIGEST

Agency's evaluation and selection of a higher-rated, lower-priced proposal for award are unobjectionable where the agency's evaluation and best-value tradeoff decision were reasonable and consistent with the terms of the solicitation.

DECISION

VariQ-CV JV, LLC (VariQ), of Luray, Virginia, protests the issuance of a task order to CompQSoft, Inc., of Houston, Texas, under fair opportunity notice (FON) No. 70Z03891RM0000001, issued by the Department of Homeland Security, United States Coast Guard (USCG), for information technology (IT) support services. The protester challenges the agency's evaluation of the proposals and best-value determination, and argues that the agency conducted unequal discussions.

We deny the protest.

BACKGROUND

The Coast Guard's Aviation Logistics Center (ALC), Information Systems Division (ISD), provides IT support for the logistics programs supporting the Coast Guard's aviation fleet and other selected government agencies. Agency Report (AR), Tab 1, FON

at 144.¹ The solicitation sought, in general terms, services for IT support and the required on-site and off-site technical personnel for operational mission support for the Asset Logistics Management Information System, ALC-Logistics Support System Sensitive, and the Coast Guard Logistics Information Management System applications and enterprise systems. *Id.*

The solicitation was issued on October 11, 2019, pursuant to Federal Acquisition Regulation (FAR) subpart 16.5, to holders of the National Institutes of Health's Chief Information Officer-Solutions and Partners 3, governmentwide acquisition contract. Contracting Officer's Statement (COS) at 1. The solicitation contemplated the issuance of a fixed-priced task order for a 1-year base period and four 1-year option periods on a best-value tradeoff basis, considering the following five evaluation factors in descending order of importance: relevant experience, past performance, technical capability, management approach, and price.² FON at 123-124. When combined, the non-price factors were significantly more important than price. *Id.* at 123.

The solicitation advised that the procurement would be conducted in two phases. *Id.* at 123-124. Under phase 1, proposals would be evaluated under the two most important factors: relevant experience and past performance.³ *Id.* Based on the results of phase 1, offerors would be invited to participate in phase 2, during which the agency would assess the three remaining evaluation factors. *Id.* at 124, 127.

The agency received proposals from five offerors by the initial solicitation closing date, three of which, including VariQ and CompQSoft, proceeded to phase 2. The results of the agency's evaluation of these two proposals are as follows:⁴

¹ Citations to the solicitation are to the final version of the solicitation, as amended. All citations to the record are to the consecutive numbering of the pages in the Adobe PDF format of the documents provided by the agency.

² The relevant experience, technical capability, and management approach factors were evaluated using confidence ratings (high, some, low), which represented the government's confidence that the offeror understood the requirement and would be successful in performing the work. FON at 134-135. The past performance factor was evaluated using the following rating scale: neutral, superior, satisfactory, and unsatisfactory. *Id.* at 135.

³ Although firms that compete for task orders under indefinite-delivery, indefinite-quantity (IDIQ) contracts are generally referred to as "vendors" who submit "quotations" and are "issued" task orders, the record and the parties' briefings primarily use the terms "offerors," "proposals," and "award." For the sake of consistency with the record, we refer to the firms that competed here as offerors who submitted proposals for award of a task order.

⁴ The third offeror's evaluation was not challenged and is not relevant to this decision.

	VariQ	CompQSoft
Relevant Experience	High Confidence	High Confidence
Past Performance	Superior	Superior
Technical Capability	Some Confidence	High Confidence
Management Approach	Some Confidence	High Confidence
Price	\$47,936,412	\$47,111,418

AR, Tab 10, Source Selection Decision Document (SSDD) at 3.

The source selection authority (SSA) conducted a comparative assessment of the proposals and a performed a best-value tradeoff, finding CompQSoft’s proposal to provide the best value to the government. *Id.* at 1, 3. Consistent with the terms of the solicitation, which provided that after the agency had selected the apparent successful offeror, it could engage in communications solely with this firm to address any remaining issues and to finalize a task order, the agency held exchanges and received proposal revisions from CompQSoft. FON at 138; AR, Tab 11, Exchanges with Awardee at 2, 19-38. The SSA considered CompQSoft’s revisions and affirmed his selection decision. AR, Tab 12, Supp. SSDD at 1.

VariQ was notified of CompQSoft’s selection on February 27, 2020. After receiving a debriefing, VariQ filed this protest.⁵

DISCUSSION

The protester challenges the agency’s evaluation of the proposals and best-value determination. VariQ also alleges that the agency’s post-selection exchanges with CompQSoft constituted unequal discussions. Although we do not specifically address all of VariQ’s arguments, we have fully considered all of them and find that they afford no basis on which to sustain the protest.

Evaluation of CompQSoft’s Proposal

Compliance with Proposal Formatting Requirements

VariQ argues that the agency should have rejected CompQSoft’s proposal for failing to comply with the solicitation’s proposal formatting requirements by using a font smaller than allowed in the solicitation. Comments and Supp. Protest at 14-15; Protester’s

⁵ Our Office has jurisdiction to review the protest of this task order pursuant to our authority to hear protests related to task and delivery orders placed under civilian agency multiple-award, IDIQ contracts valued in excess of \$10 million. 41 U.S.C. § 4106(f)(1)(B).

Comments, May 8, 2020, at 8-10. The agency responds that CompQSoft's proposal used font sizes that were consistent with the terms of the solicitation. Supp. COS at 2.

Agencies are required to evaluate proposals consistently, and in accordance with a solicitation's instructions, including any instructions relating to a proposal's format and page limitations. See *Metropolitan Interpreters & Translators, Inc.*, B-415080.7, B-415080.8, May 14, 2019, 2019 CPD ¶ 181 at 7. As a general matter, firms competing for government contracts must prepare their submissions in a manner consistent with the format limitations established by the agency's solicitation, including any applicable page limits. *IBM U.S. Fed., a div. of IBM Corp.; Presidio Networked Sols., Inc.*, B-409806 *et al.*, Aug. 15, 2014, 2014 CPD ¶ 241 at 12.

Consideration of submissions that exceed established page limitations is improper in that it provides an unfair competitive advantage to a competitor that fails to adhere to the stated requirements. *Id.* at 12-13. However, we will not sustain a protest based on complaints regarding the content of such tables, graphs, or charts, where a solicitation (1) establishes font size requirements; (2) provides an exception to those requirements for tables, graphs and charts; and (3) does not limit the content that may be included in those excepted portions of an offeror's technical submission, *Metropolitan Interpreters & Translators, Inc.*, *supra* at 7-8; *DKW Commc'ns, Inc.*, B-412652.3, B-412652.6, May 2, 2016, 2016 CPD ¶ 143 at 4.

The solicitation instructed that the font for all submissions should be "Times New Roman twelve (12) point, except for diagrams and drawings where impractical. Fonts in graphics and charts shall be no smaller than eight (8) point and each page within each attachment shall be numbered consecutively." FON at 124. Under the relevant experience factor, offerors were required to provide a written summary of relevant experience that did not exceed 15 pages. *Id.* CompQSoft identified relevant experience on four prior contracts and task orders. Information pertaining to each reference submitted by CompQSoft was largely presented in a table or chart, using less than 12 point font. AR, Tab 5, CompQSoft Proposal Documents at 4-17.

On this record, the protester's arguments provide no basis to sustain the protest. Here, the solicitation permitted the use of smaller than 12 point font in "graphics and charts." FON at 124. In fact, the agency confirmed in two solicitation question and answers (Q&A) that a reduced font size for tables was permissible to the extent it complied with these instructions. AR, Tab 2, FON Q&A at 15, 21 (Q&A 6, 42). The FON provided no additional restrictions as to how charts were to be used, and to the extent that CompQSoft presented narrative text in its charts, we do not find this to be inconsistent with the solicitation. Although the evaluators found that CompQSoft's use of font "smaller than 12" decreased the agency's confidence under the relevant experience factor, nothing in the solicitation prohibited the use of smaller font in the circumstances described above. AR, Tab 7, Phase 1 Consensus Report at 13. As a result, we cannot conclude that the agency should have rejected CompQSoft's proposal for failing to comply with the solicitation's font size requirements. *DKW Commc'ns, Inc.*, *supra*. Accordingly, this protest ground is denied.

Evaluation of Relevant Experience and Past Performance

VariQ also argues that the agency unreasonably assigned both its proposal and CompQSoft's proposal identical ratings under the relevant experience factor and the past performance factor. The protester contends that its relevant experience and past performance should have been found superior to CompQSoft's, because CompQSoft's reference contracts--which do not encompass the full scope of the work under the task order--cannot be equated with VariQ's incumbent experience.⁶ Protest at 20-21; Comments and Supp. Protest at 6-9.

In terms of relevant experience, the agency explains that the totality of the prior experience submitted by CompQSoft and its major subcontractors demonstrated the offeror's ability to successfully accomplish the proposed effort. As a result, the agency assigned CompQSoft's proposal a "high confidence" rating under the relevant experience factor. COS at 11-13. Under the past performance factor, the agency found that the past performance record for CompQSoft's relevant experience reference contracts, as well as other past performance information in the contractor performance assessment reporting system (CPARS), supported the assignment of a "superior" rating to CompQSoft's proposal.⁷ *Id.* at 13-14.

Generally, an agency's evaluation under an experience factor is distinct from its evaluation of an offeror's past performance. See *Network Runners, Inc.*, B-418268, B-418268.2, Feb. 14, 2020, 2020 CPD ¶ 71 at 11; *Amyx, Inc.*, B-410623, B-410623.2, Jan. 16, 2015, 2015 CPD ¶ 45 at 14. Specifically, as is the case here, the former focuses on the degree to which an offeror actually has performed similar work, whereas the latter focuses on the quality of the work. *Id.* Where a protester challenges the evaluation of an offeror's experience and past performance, it is not our role to reevaluate submissions; rather, we examine the supporting record to determine whether the decision was reasonable, consistent with the stated evaluation criteria, and adequately documented. *Booz Allen Hamilton, Inc.*, B-417418 *et al.*, July 3, 2019, 2019 CPD ¶ 246 at 12; *National Sourcing, Inc.*, B-411703.2, Mar. 22, 2016, 2016 CPD ¶ 115 at 8. The evaluation of experience and past performance, by its very nature, is subjective; we will not substitute our judgment for reasonably based evaluation ratings, and an offeror's disagreement with an agency's evaluation judgments, without more, does not demonstrate that those judgments are unreasonable. *Science Applications Int'l Corp.*, B-413112, B-413112.2, Aug. 17, 2016, 2016 CPD ¶ 240 at 6.

⁶ VariQ-CV JV, LLC, is a joint venture between VariQ Corporation and Conviso, Inc. The services sought under this task order were previously provided through two separate task orders. VariQ Corporation is the incumbent performing on one of the task orders. COS at 2.

⁷ A "superior" rating was defined as having a past performance record where "essentially no doubt exists that the [o]fferor will successfully perform the required effort." FON at 135.

Relevant Experience Factor

The FON contained detailed instructions regarding the submission of information demonstrating the offeror's relevant prior experience for itself and any major subcontractor or teaming partner. FON at 124-126. The solicitation advised that offerors should demonstrate relevant experience in nine areas.⁸ *Id.* at 125-126. The FON stated that the agency would assess confidence in the offeror's ability to successfully accomplish the proposed effort based on relevant experience in successfully managing relevant projects. *Id.* at 126. For this factor, the solicitation defined relevance as experience being "similar in nature, size, and complexity" to the statement of work (SOW). *Id.*

CompQSoft identified a total of four references for itself and its two major subcontractors. AR, Tab 5, CompQSoft Proposal Document at 4-17. The agency used a worksheet to assess its confidence levels (*i.e.*, high, some, low) in the offeror's ability to perform in the nine areas that offerors were instructed to address. AR, Tab 7, Phase 1 Consensus Report at 4-5. The agency determined that CompQSoft's proposal warranted an assessment of "high confidence" in six of the experience areas and "some confidence" in three areas. *Id.* As part of the agency's assessment, the evaluators also identified the elements of CompQSoft's relevant experience that the evaluators found to increase the agency's confidence, as well as elements that decreased confidence. *Id.* at 13-14. As a whole, the agency assigned a "high confidence" rating to CompQSoft under this factor.

Based on our review of the record, we find nothing objectionable with the agency's evaluation. Here, the FON defined "relevant experience" more broadly than the myopic view VariQ advocates. While "[d]irect, applicable experience supporting the complete effort identified in the SOW" was one of the areas within the experience evaluation, the FON identified eight other areas related to "relevant experience," which would be considered. FON at 126-127. In this regard, the agency assigned a "some confidence"

⁸ These nine areas were: (1) experience with supporting mission critical application, enterprise systems, tier 3 help desk support, and operations support of federal/state/local government systems; (2) work performed within project management, database engineering, development, security, and technology fields; (3) experience with application development, web development, systems engineering, account management, asset management, and network support; (4) work requiring the engagement of a wide array of stakeholder groups and management of a backlog of highly dynamic, fluctuating requirements from across those stakeholder groups; (5) direct, applicable experience supporting the complete effort identified in the SOW; (6) delivery of high quality work products which provide value to stakeholders; (7) retention of personnel, turnover rate of key personnel, and management of a large and complex team for IT services; (8) references, which could be considered more relevant if they involve a team of 50 employees or more; and (9) subcontracting work involving 20% or more of the work on a contract or task order. FON at 125-126.

rating to the CompQSoft proposal under the “direct, applicable experience supporting the complete effort identified in the SOW” area, because CompQSoft’s proposal lacked relevant experience in computer hardware and database system management and development. The Coast Guard, however, assigned “high confidence” ratings in many of the other areas assessed.

Further, on this record we have no basis to second-guess the agency’s conclusion that, when considering the totality of the references, CompQSoft’s experience was relevant to the size, scope, and complexity of this requirement. COS at 12. While the protester is correct that three of the four reference contracts identified by the awardee were smaller in size (dollar value) than this effort, one of the references exceeded the size of the challenged procurement. Moreover, the agency’s consideration of size was not limited to only the dollar value, but also considered the number of users, as well as whether the contractor team involved more than 50 employees. AR, Tab 7, Phase 1 Consensus Report at 4-6. The record provides no basis to question the agency’s assignment of a “high confidence” rating to CompQSoft under the relevant experience factor. While VariQ disagrees, the protester’s disagreement with those conclusions is insufficient to establish that the agency acted unreasonably. *Science Applications Int’l Corp., supra.*

Past Performance Factor

For the past performance factor, the solicitation advised that the agency would assess the offeror’s ability to successfully accomplish the proposed effort using various sources of information. FON at 127. These sources included information available from past contracts with the agency, information found in the agency’s internal system, and “any information found using [government] sources” such as the Past Performance Information Retrieval System (PPIRS) and CPARS. *Id.* The agency also reserved the right to limit or expand the number of references it would contact. *Id.*

The record reveals that the agency evaluated past performance using available CPARS information for CompQSoft and its major subcontractors. COS at 13; AR, Tab 5, CompQSoft Proposal Information at 20-53. The information showed generally favorable past performance and positive comments. COS at 13-14. The agency assigned a “superior” past performance rating based on this information. AR, Tab 7, Phase 1 Consensus Report at 13, 17.

Similar to our review of the evaluation of relevant experience, on this record we find nothing objectionable with the agency’s evaluation of CompQSoft’s past performance. VariQ does not dispute the quality of CompQSoft’s past performance. Comments and Supp. Protest at 8. Rather, VariQ’s primary complaint is that the agency failed to assess the relevance of the past performance information to the current effort, *i.e.*, the similarity of the past performance in size, scope, and complexity. According to the protester, CompQSoft’s past performance involved contracts that bore no similarity in size, scope, and complexity to the current effort, and the record contained no

consideration of their relevance. Therefore, VariQ argues that CompQSoft should not have received the same “superior” rating for past performance as VariQ. We disagree.

Here, the solicitation did not require the agency to consider the relative relevance of past performance information to the extent VariQ argues. In this regard, the FON informed offerors that, for this factor, the agency would consider the offeror’s ability to successfully accomplish the proposed effort based on demonstrated past performance. FON at 127. The solicitation, however, did not limit or otherwise define any parameters under which past performance information would be considered. Rather, the FON simply advised:

The Government may use information available from past contracts, task order, and purchase orders with the USCG, delivery information found in the USCG's Asset Maintenance Management Information System (AMMIS) system, and any information found using sources such as Federal Government sources, [PPIRS/CPARS]. The Government reserves the right to limit or expand the number of references it decides to contact.

Id. Further, the rating scale to be used for past performance (neutral, superior, satisfactory, and unsatisfactory) assessed the varying levels of the likelihood of successful performance of the required effort, “[b]ased on the offeror’s past performance record.” *Id.* at 135.

The protester’s argument conflates the evaluation of past performance with the requirements for the evaluation of relevant experience. In this regard, VariQ attempts to insert parameters for the consideration of relevant past performance where none are required. Contrary to the protester’s assertions, nothing in the solicitation required the agency to perform a separate assessment of the similarity in size, scope, and complexity of the past performance information.⁹ We find no merit to VariQ’s challenges to the agency’s assignment of a “superior” rating to CompQSoft’s proposal under this evaluation factor. Accordingly, this protest ground is denied.

⁹ In support of its argument, VariQ cites to a number of our cases where our Office sustained the protest because the agency failed to meaningfully consider whether the offerors’ past performance contracts were comparable to the procurement at issue. See Protest at 21 (citing *Trident Vantage Sys.*, B-415944, May 1, 2018, 2018 ¶ CPD 166; *Metis Sols., LLC et. al.*, B-411173.2 *et al.*, July 20, 2015, 2015 CPD ¶ 221); Comments and Supp. Protest at 7-8 (citing to *SIMMEC Training Sols.*, B-406819, Aug. 20, 2012, 2012 CPD ¶ 238; *Honeywell Tech. Solutions, Inc.*, B-400771 *et al.*, Jan. 27, 2009, 2009 CPD ¶ 49). The protester’s reliance on these decisions is misplaced. None of the decisions relied upon by the protester involved a procurement conducted under FAR subpart 16.5. Further, contrary to the solicitation here, the solicitations in those cases specifically required the agencies to consider the relevance of the past performance references, in addition to the quality of the companies’ past performance.

Evaluation of VariQ's Proposal

VariQ challenges numerous aspects of the agency's evaluation of its technical capability and management approach that led the agency to decrease its assessment of confidence in VariQ's approach. Protest at 12-19; Comments and Supp. Protest at 9-12; Protester's Supp. Comments at 10-11. As stated above, while we do not address all of VariQ's arguments, we have fully considered all of them and find that they afford no basis on which to sustain the protest.¹⁰ We discuss a few representative examples below.

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 whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. *Strategi Consulting, LLC; Signature Consulting Grp., LLC*, B-416867, B-416867.4, Dec. 21, 2018, 2019 CPD ¶ 10 at 4. An offeror's or vendor's disagreement with the agency's judgment, without more, is insufficient to establish that the agency acted unreasonably. *MicroTechnologies, LLC*, B-413091.4, Feb. 3, 2017, 2017 CPD ¶ 48 at 7.

Here, the offerors' technical capabilities and management approaches were evaluated in phase 2 of the procurement through oral presentations. FON at 124. While the FON permitted the submission of oral presentation slides, it also advised that the slides would not be evaluated. Instead, the FON advised that the evaluation would be based solely on the oral presentation itself, and would include the offeror's responses to advance questions, on-the-spot questions, and its proposed solutions and capabilities. *Id.* at 130, 133.

For both the technical capability and management approach factors, the agency found that VariQ's solution presented areas of both increased and decreased confidence, and concluded that:

Team VariQ's presentation had many areas that increased confidence of successful performance, to include a good [DELETED] program, and a few good and innovative ideas for USCG processes.

However, Team VariQ did not seem well versed on some of our processes, did not properly align personnel allocation to Appendix A of the SOW leaving them likely ill prepared to handle the workload, and provided

¹⁰ VariQ initially challenged every area of decreased confidence assessed by the agency under these factors. Protest at 16-19. The protester subsequently withdrew one of the seven grounds of protest related to the agency's evaluation of the technical capability factor, and six of the nine grounds of protest related to the management approach factor. Comments and Supp. Protest at 9 n.8. As a result, we do not consider these issues further.

resumes that seemed to be a word for word reflection of the SOW. These areas left the Government with only “Some” confidence that Team VariQ would be able to successfully perform on the contract for both Technical Capability and Management Approach.

AR, Tab 8, Phase 2 Consensus Report at 3-4.

Technical Capability Factor

VariQ argues that the Coast Guard unreasonably ignored readily apparent information in its proposal to decrease VariQ’s confidence rating under the technical capability factor. Protest at 16-17; Comments and Supp. Protest at 10-11. The agency explains that it reasonably reached its conclusion based on the statements made during VariQ’s oral presentation that decreased the agency’s confidence in the firm’s technical solution. COS at 16-19.

Under the technical capability factor, the solicitation advised that the agency would evaluate the offeror’s ability to perform as well as its overall understanding of the technical requirements and compliance with the FON requirements.¹¹ *Id.* at 131.

While the agency found several aspects of VariQ’s technical solution increased its confidence, there were also a number of aspects that decreased its confidence. As a result, the agency assigned an overall “some confidence” rating to VariQ’s proposal under the technical capability factor. AR, Tab 8, Phase 2 Consensus Report at 1-2. The areas of VariQ’s proposal that decreased the agency’s confidence included: (1) VariQ’s understanding of the effort necessary to perform all portions of the operations task; (2) inconsistencies between the agency’s processes and VariQ’s proposed technical solution; and (3) a failure to address agency processes or propose solutions to what VariQ identified as outdated agency systems. *Id.*

By way of example, the agency expressed concern that VariQ did not appear to understand the requirement for helpdesk personnel to have privileged user management program (PUMP) certificates. *Id.* at 2, 11. VariQ disagrees with the agency’s assessment and argues that its proposal discussed the requirement for PUMP certifications and training. Protest at 16. The agency explains that although VariQ used the term “PUMP” and referenced a related certification during its oral presentation, VariQ also made statements that led the agency to conclude that VariQ did not have a clear understanding of the PUMP process or its certification requirements. COS at 16-17.

¹¹ The SOW set forth detailed performance requirements for the task order, which would be performed under seven teams (development, business analysis, project management, configuration management, technical writing, security, and operations) and provided detailed descriptions of the tasks that each team was expected to perform. FON at 140-182.

Based on our review of the record, we have no basis to object to the agency's evaluation. The requirement for helpdesk personnel to possess PUMP certifications is mandated by the Department of Defense (DOD). Supp. COS at 5; FON at 160-161. Here, the record shows that during the oral presentation, VariQ stated that it had "[DELETED] ready staff" and what it termed "[DELETED] certified staff."¹² AR, Tab 4, VariQ Oral Presentation Transcript at 17. However, VariQ also stated during its presentation that its tier 1 representatives "will attain the appropriate [DELETED] certifications and complete tasks and production." *Id.* at 59.

Further, in response to a question as to how VariQ would ensure that all personnel would meet every qualification prior to onboarding, VariQ represented that "from day one, everyone is qualified to start the program." *Id.* at 110. VariQ, however, also stated that "[w]e don't have the specific skills, like we don't have the resumes of the helpdesk folks" and that "[w]ithin the helpdesk there might be some [DELETED] requirements, those aren't our current employees. So if there are additional training in those areas, we would . . . work with those through our methodology to get . . . those [DELETED] certifications as quickly as possible before they get transitioned." *Id.* at 110-111. VariQ further stated that if those employees did not accept offers, it would "go through our recruiting capability and then we'll go through an interview process and then bring those on board and then train them." *Id.* at 111. Relevant here, the SOW expressly stated that any new employee with access to privileged accounts "will need to have a current appropriate level certification before their first day of employment." *Id.* at 160-61. As a result, we see nothing objectionable with the agency's finding of decreased confidence regarding VariQ's understanding and capability to perform the functions of the operations team task. Accordingly, this protest ground is denied.

Management Approach Factor

Staffing Level

VariQ next argues that the agency used an unstated evaluation criterion in finding that its proposed staffing levels decreased the agency's confidence in VariQ's performance. According to the protester, the solicitation instructed offerors to propose their own labor mix tailored to their respective solutions and their understanding of the SOW requirements. The protester contends that the agency, instead, unreasonably treated the estimated staffing levels provided in the FON as a required minimum threshold without expressly stating so in the solicitation. Protest at 12-14; Comments and Supp. Protest at 4-6.

Under the management approach factor, the FON emphasized that offerors were to provide sufficient information in their oral presentations to demonstrate a definitive and

¹² DOD Directive 8570 establishes policy and assigns responsibilities for DOD information assurance training, certification, and workforce management. DOD 8570.01M specifies which cybersecurity certifications meet the policy requirement.

comprehensive approach to managing, an understanding of the requirements, an ability to perform the task order, and the likelihood of successful performance. FON at 131. The FON also specifically instructed offerors to identify a skill mix “with the appropriate level of knowledge and experience for successful execution of the task order requirements” and that four areas would be assessed including “[q]ualifications and experience meeting the position requirements.” *Id.* at 132. The solicitation also identified several “Areas of Importance” in which the offerors were to “include a high level composition of the proposed team, which includes an estimated number of personnel and labor categories.” *Id.* at 132-133.

Here, the SOW required that personnel “have all of the qualifications, education, and experience as outlined in Appendix A,” which was provided to potential offers in amendment 2 to the FON. *Id.* at 145, 147, 183-194. Prior to issuing Appendix A, the agency provided historical staffing data showing a total staffing level of 82 for the two predecessor task orders. *Id.* at 97. After receiving several questions regarding whether the agency expected the labor staffing levels reflected in the historical data to remain the same, the agency provided its projections, which reflected an increase in personnel. AR, Tab 2, FON Q&A at 21, Q&A 43. This expected increase was further reinforced with the issuance of amendment 2. FON at 194

Specifically, Appendix A provided detailed descriptions of the functional responsibility and minimum education and qualification requirements for all key and non-key personnel by team, labor category, and skill level. *Id.* at 183-194. Appendix A also provided an estimated number of personnel for each position by labor category, skill level, and team, as well as the total. The solicitation explained that this estimate was “based on the historical labor mix or best estimates required to perform the requirements in the SOW.” *Id.* at 193-194. The agency estimated that a staff of 93 would be needed for this effort. *Id.* at 194.

The Coast Guard explains that VariQ proposed staffing levels that were lower than the agency’s estimate, without providing a clear explanation of how it would perform the services successfully with its proposed number of personnel. The agency asserts that VariQ’s response to a question during the oral presentation clearly indicated that VariQ did not sufficiently consider the information provided in Appendix A. As a result, the agency found that VariQ’s proposed staffing levels raised concerns about VariQ’s ability to perform successfully and thus, lowered the agency’s confidence in the protester’s proposal. COS at 5, 7; MOL at 7-8. Specifically, the agency found that VariQ’s proposed staffing level of [DELETED] personnel decreased the government’s confidence in VariQ’s management approach.¹³ In this regard, the evaluators noted

¹³ For the record, and as discussed in greater detail below, CompQSoft also proposed staffing levels lower than the agency’s estimate that raised concerns about whether CompQSoft adequately considered the information in Appendix A. In contrast to VariQ’s proposed staffing of [DELETED], CompQSoft proposed a staff of [DELETED]. Similarly, the agency concluded that CompQSoft’s proposed staffing decreased the

(continued...)

that VariQ's proposed staffing was even lower than the current staffing levels for the incumbent task orders. AR, Tab 8, Phase 2 Consensus Report at 3.

The record here shows that, during VariQ's oral presentation, the agency specifically requested that VariQ explain the methodology behind proposing only [DELETED] personnel to perform this requirement. AR, Tab 4, VariQ Oral Presentation Transcript at 108-109. Specifically, the agency asked that VariQ discuss how the quality of its performance might be affected by VariQ's proposed staffing levels. *Id.* In response, VariQ explained that it conducted an in-depth analysis of the staffing needs and elaborated as follows: "So [DELETED] to [DELETED] we felt that the integration of [DELETED] being used for a couple of areas [W]e felt we could take care of those needs . . . by integrating [DELETED] with one of those areas . . . through proficiencies, through the process that we came up with." *Id.* at 109. In its response, VariQ also made a number of references to [DELETED] personnel, which was consistent with the historical data provided by the agency, but did not address the more detailed estimate in Appendix A that a staff of 93 would be needed. *Id.*

While the protester now asserts that it explained in its presentation that it could perform the work with fewer staff because it proposed a balanced mix of [DELETED] and [DELETED] personnel, rather than the primarily [DELETED] personnel in Appendix A, the protester points to nothing in the record of its oral presentation to support this assertion. Protest at 17; Protest exh. 4, Decl. of VariQ Chief Executive Officer ¶ 6(g); Comments and Supp. Protest at 5. Just as the responsibility for submitting a well-written proposal with adequately-detailed information falls squarely on the offeror, the responsibility for providing a thorough, persuasive response to agency questions as part of an oral presentation falls on the offeror. *Leidos Innovations Corp.*, B-415514 *et al.*, Jan. 18, 2018, 2018 CPD ¶ 88 at 19.

The record also provides no support for the protester's assertion that the agency's estimated staffing levels in Appendix A were an unstated evaluation factor, or that those levels were mandatory. As discussed above, the FON clearly required offerors to use their oral presentations to demonstrate a definitive and comprehensive management approach, an understanding of the requirements, an ability to perform, and the likelihood that performance would be successful. FON at 131. On this record, we have no basis to question the agency's evaluation of VariQ's proposal. VariQ's arguments to the contrary only reflect its disagreement with the agency's evaluation, which provides no basis to question the reasonableness of the agency's judgment. *Horizon Indus., Ltd.*, B-416222, B-416222.2, July 11, 2018, 2018 CPD ¶ 235 at 7. Accordingly, this protest ground is denied.

(...continued)

agency's confidence in the company's successful performance. AR, Tab 10, SSDD at 2-3.

Key Personnel Resumes

VariQ also challenges the agency's finding of decreased confidence in the protester's ability to provide key personnel with the appropriate level of knowledge and experience.¹⁴ Specifically, in response to the agency's assessment that VariQ's resumes appeared to be "cut and pasted" and "'regurgitated' portions of the SOW," VariQ argues that the agency failed to consider multiple pages of VariQ's resumes. Protest at 19; Comments and Supp. Protest at 12.

The Coast Guard responds that it did not have high confidence in VariQ's ability to provide qualified personnel because the agency found that the majority of the resumes submitted for key personnel were minimally acceptable. The agency argues further that the resumes that were deemed minimally acceptable also contained descriptions of relevant experience that appeared to be copied verbatim from the SOW. The agency explains that the descriptions in the resumes raised concerns as to whether the individual actually performed such work. COS at 8-11.

It is an offeror's responsibility to submit a well-written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation requirements, and an offeror risks having its proposal evaluated unfavorably where it fails to submit an adequately written proposal. *PEAKE*, B-417744, Oct. 11, 2019, 2019 CPD ¶ 359 at 4; *ICI Servs. Corp.*, B-411812, B-411812.2, Sept., 21, 2015, 2015 CPD ¶ 288 at 5 (agency reasonably found protester's proposal unacceptable where solicitation contemplated evaluation of key personnel qualification and quotation failed to demonstrate that the key personnel held the required qualifications).

Under the management approach factor, in addition to participating in oral presentations, offerors were required to submit resumes for their key personnel. FON at 133-134. The solicitation identified six key positions. *Id.* at 193. As discussed above, in addition to the detailed description of the responsibilities of these individuals, Appendix A also included minimum education and qualifications requirement for each position. *Id.* at 183-193.

The agency found that several aspects of the resumes submitted by VariQ decreased its confidence in the company's ability to successfully perform. AR, Tab 8, Phase 2 Consensus Report at 3, 12. This included finding that three key personnel "barely met the requirements" and the qualifications were not "aligned well with the required qualifications in Appendix A." *Id.* The agency also observed that many of the resumes

¹⁴ VariQ initially raised nine protest grounds challenging the agency's evaluation of its management approach, three of which concerned the evaluation of key personnel. Protest at 19. VariQ subsequently withdrew two of the protest grounds, which included its argument that the resumes for five of its six key personnel exceeded some or all of the stated requirements. *Compare id. with* Comments and Supp. Protest at 9 n.8.

seemed to have “word for word information from the SOW, as if it was cut and pasted into the resume.” *Id.*

On this record, we have no basis to object to the agency’s evaluation. The record shows that four of the six key personnel proposed by VariQ did not satisfy the educational or qualification requirements set forth in Appendix A. *Compare* FON at 183, 184, 190, 191 *with* AR, Tab 3, VariQ Proposal Documents at 40-41 (applications systems analyst/programmer), 44 (database architect), 52 (systems engineer), 54 (database specialist). For example, the FON required the applications systems analyst/programmer position to possess a bachelor’s degree or equivalent in electrical engineering, mechanical engineering, computer science, management information systems, systems engineering or electrical engineering technology. FON at 183. VariQ’s proposed key person, however, did not possess a bachelor’s degree. AR, Tab 3, VariQ Proposal Documents at 40-41. Rather, the resume indicated that the individual possessed “the equivalent of a Bachelor’s degree,” and noted that the SOW indicated that two years of experience would be equivalent to one year of education. *Id.*

As a result, VariQ claims that its proposed key person’s additional eight years of experience working in the subjects of computer science, management information systems, and IT systems engineering, was equivalent to a degree. *Id.* at 40. VariQ fails to mention however, that while solicitation provisions permitted the substitution of additional experience for the education requirement for certain positions, there was no such provision applicable to this position. *Compare* FON at 184 (no permissible experience substitution for a degree requirement provided for applications systems analyst/programmer position) *with id.* at 185 (education requirement for business analyst position stating “[b]achelor’s degree. Four (4) years of additional experience in a related field may substitute for [b]achelor’s [d]egree.”).

Further, we find no basis to object to the agency’s concern that many of the resumes submitted by VariQ appeared to parrot the requirements of the solicitation. Our review of the record confirms the agency’s assessment. In this regard, it is well-settled that it is an offeror’s duty to include sufficiently detailed information to establish that its proposal meets the solicitation requirements, and that blanket statements of full compliance are insufficient to fulfill this obligation. *See Dewberry Crawford Grp; Partner 4 Recovery*, B-415940.11 *et al.*, July 2, 2018, 2018 CPD ¶ 298 at 13. Accordingly, this protest ground is denied.

Best-Value Determination

VariQ raises a number of arguments challenging the agency’s selection decision. For example, it argues that the selection decision was flawed because it relied on a flawed evaluation; focused exclusively on ratings for phase 1 without noting qualitative differences in the proposals; and unreasonably identified discriminators in the two least important technical factors, knowing that the agency later would later address the matter directly with CompQSoft by “convinc[ing] it to increase its headcount and restructure its proposal.” Protest at 22-24; Comments and Supp. Protest at 15-16.

Source selection officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results; cost and technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the solicitation's evaluation criteria. *Booz Allen Hamilton Inc.*, B-414283, B-414283.2, Apr. 27, 2017, 2017 CPD ¶ 159 at 13-14. In reviewing protests of an agency's source selection decision, even in a task order competition as here, we do not reevaluate proposals but examine the record to determine whether the evaluation and source selection decision were reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Intelligent Waves LLC*, B-416169, B-416169.2, June 12, 2018, 2018 CPD ¶ 211 at 12.

First, as described above, the record does not support VariQ's challenges to the evaluation. Accordingly, we find no merit to VariQ's challenges to the agency's selection decision that are based on those alleged errors. *22nd Century Techs., Inc.*, B-416669.5, B-416669.6, Aug. 5, 2019, 2019 CPD ¶ 285 at 10.

Next, the record does not support the protester's argument that the SSA did not consider the qualitative difference in the proposals under the relevant experience and past performance factors. Here, the record shows that the SSA reviewed the results of the evaluation and conducted a comparative assessment that identified discriminators between the proposals. AR, Tab 10, SSDD at 2-3. The SSA did not identify any discriminators between CompQSoft and VariQ's proposals under the relevant experience and past performance factors. In fact, the SSA found the offerors to be substantially equal under those evaluation factors. *Id.* at 2. As discussed in more detail below, the SSA identified discriminators between the two offerors' proposals under the technical capability and management approach factors. In his tradeoff analysis, the SSA found that CompQSoft's proposal, which was lower-priced and higher-rated in the technical capability and management approach factors, represented the best value to the government and selected CompQSoft for task order award.

In making his tradeoff decision, the record also demonstrates that the SSA did not merely rely on the adjectival ratings assigned to the proposals but instead considered the qualitative differences between those proposals under each factor. It is well-settled that a single evaluation factor may properly be relied upon as a key discriminator for the purposes of a source selection decision. *Sev1Tech, Inc.*, B-413758.6 *et al.*, May 11, 2017, 2017 CPD ¶ 145 at 9. The mere fact that an agency's source selection decision turns on an evaluation consideration that is designated as less important is unobjectionable since there is no requirement that the key award discriminator also be the most heavily weighted evaluation consideration. See *Amyx, Inc.*, *supra* at 18. The fact that the SSA identified no discriminators between the proposals under the more heavily weighted relevant experience and past performance factors, yet identified discriminators under the less important technical capability and management approach factors, provides no basis for our Office to sustain the protester's challenges to the selection decision.

Finally, we find no support for VariQ's argument that the agency made award to CompQSoft based on what VariQ characterizes as "incorrect and irrational discriminators" in the two less important factors knowing that the agency would later address the matter directly with CompQSoft. Here, the record shows that CompQSoft was assigned a "high confidence" rating with many areas of increased confidence and few areas of decreased confidence, while VariQ's proposal was assigned a "some confidence" rating based on a few areas of increased confidence and a similar number of areas that decreased the agency's confidence. AR, Tab 8, Phase 2 Consensus Report at 2-3 (VariQ), 5-6 (CompQSoft).

The SSA's comparative assessment noted that for the technical capability factor CompQSoft presented a sound technical approach. AR, Tab 10, SSDD at 2. With VariQ's proposal, the SSA found that despite having proposed innovative ideas, VariQ did not seem to be "well versed on the [agency's IT] processes and seemed ill-prepared to handle the workload from a technical perspective." *Id.* For the management approach factor, the SSA found that CompQSoft demonstrated a definitive and comprehensive management approach and was assigned a "high confidence" rating. *Id.* The SSA also noted that one of the few negative aspects of CompQSoft's proposals was that it had proposed a staffing level of [DELETED], which appeared to be in alignment with the historical levels but not with the estimates in Appendix A. *Id.*

With regard to VariQ, the SSA also found that VariQ proposed a management approach with a good [DELETED] program and [DELETED] program, but had submitted resumes with information that appeared to be copied from the SOW and only proposed a staffing level of [DELETED] people. *Id.* at 2-3. Contrary to the protester's assertions, while the SSA identified both offerors' staffing levels as negative discriminators, the SSA found CompQSoft's proposal to be more advantageous than VariQ's proposal based on its comprehensive management approach.

After selecting CompQSoft's proposal for award, the SSA explained that his request that the contracting officer initiate exchanges with CompQSoft regarding its staffing levels was for the purpose of making its "best offer, even better." *Id.* at 4. Once selected as the apparent successful offeror, the agency engaged in exchanges with CompQSoft, pursuant to section 4.4 of the FON. FON at 138; AR, Tab 11, Exchanges with Awardee at 2. CompQSoft submitted revisions to its proposal at the completion of exchanges. *Id.* at 19-38. Although CompQSoft's proposed price increased (from \$47,111,418 to \$53,513,980), the SSA found the revisions to the staffing levels in CompQSoft's proposal "increased" the agency's "already high confidence" in CompQSoft's proposal. AR, Tab 12, Supp. SSDD at 1. The SSA affirmed his selection decision, finding that "[t]aking the revised pricing, the areas of increased or decreased confidence, the risk, as well as the confidence ratings and the weighting applied to Factors I-IV into consideration, my original recommendation of award to Team CompQSoft remains unchanged." *Id.*

Post-Selection Exchanges with CompQSoft

Despite acknowledging that the solicitation reserved for the agency “the right to communicate” only with the apparent successful offeror to “address any remaining issues,” which may include technical and price, VariQ argues the agency engaged in unequal discussions with CompQSoft because this provision did not contemplate what VariQ characterizes as “full-blown discussions.” Protest at 21 n.10; Comments and Supp. Protest at 13-14; Protester’s Comments, May 8, 2020, at 4-7. Rather, according to the protester, the provision in the FON was a “clean-up” provision, designed “to allow the presumptive awardee to fix minor aspects of its proposal without triggering the traditional requirement to hold discussions with all offerors.” Comments and Supp. Protest at 13; Protester’s Comments, May 8, 2020, at 4-5.

The agency disputes VariQ’s arguments regarding unequal discussions, and points out that the solicitation expressly anticipated that discussions would not be held. Instead, the agency notes that the solicitation allowed for exchanges only with the company selected as the apparent successful offeror, and anticipated that, during these exchanges, the agency could address any issue. Finally, the agency argues that to the extent that VariQ now objects to the process set forth in the solicitation, its arguments are untimely and should be dismissed.

Where, as here, a dispute exists as to a solicitation’s actual requirements, we begin by examining the plain language of the solicitation. *Point Blank Enters., Inc.*, B-411839, B-411839.2, Nov. 4, 2015, 2015 CPD ¶ 345 at 4. We resolve questions of solicitation interpretation by reading the solicitation as a whole and in a manner that gives effect to all provisions; to be reasonable, and therefore valid, an interpretation must be consistent with such a reading. *Desbuild Inc.*, B-413613.2, Jan. 13, 2017, 2017 CPD ¶ 23 at 5. If the solicitation language is unambiguous, our inquiry ceases. *Id.*

The FON advised that the acquisition was being conducted under the fair opportunity guidelines of FAR 16.505; the FON did not include any aspect of FAR subpart 15.3, including the traditional concept of discussions. FON at 138. The solicitation also expressly reserved the right for the agency to communicate with the apparent successful offeror. This provision, in its entirety, states:

4.4 Exchanges with Best-Suited Contractor

Once the Government determines the contractor that is the best-suited (i.e., the apparent successful contractor), the Government reserves the right to communicate with only that contractor to address any remaining issues, if necessary, and finalize a task order with that contractor. These issues may include technical and price. If the parties cannot successfully address any remaining issues, as determined pertinent at the sole discretion of the Government, the Government reserves the right to communicate with the next best-suited contractor based on the original analysis and address any remaining issues. Once the Government has begun communications with the next best-suited contractor, no further

communications with the original best contractor will be entertained until after the task order has been awarded. This process shall continue until an agreement is successfully reached and a task order is awarded.

Id. Here, the record shows that the SSA performed a comparative assessment of the proposals from the three offerors that participated in both phases of the procurement. As discussed above, in his comparative assessment of the proposals under the management approach, the SSA found that CompQSoft demonstrated a definitive and comprehensive management approach and was assigned a “high confidence” rating. The SSA, however, noted that one of the few negative aspects of CompQSoft’s proposals was that it had proposed 82 personnel, which, according to the SSA, appeared to be in alignment with the historical levels, but not with the estimates in Appendix A of the FON. AR, Tab 10, SSDD at 2.

After concluding that CompQSoft’s proposal represented the best value and selecting it for award, the SSA requested that the contracting officer engage in limited exchanges with CompQSoft regarding its proposed staffing levels. *Id.* In the selection decision, the SSA acknowledged that exchanges with VariQ had the potential to affect pricing, but it was his desire to “attempt to make [CompQSoft’s] best offer, even better” for the government. *Id.* at 4.

Subsequently, the contracting officer engaged in exchanges with CompQSoft. AR, Tab 11, Exchanges with Awardee at 1-9, 12-38. As part of the exchanges, the contracting officer notified CompQSoft of the following:

We are offering the opportunity for your company to consider (or reconsider) Appendix A to the SOW, and adjust your schedule, should you see fit. Please note that your company is not required to mirror Appendix A to the SOW, we just want to ensure that it was considered, as it reflects the work of the new task order.

Id. at 2. The contracting officer also acknowledged that a change in staffing could affect pricing and that the government would “allow for price proposal revisions as a result.”

Id. Finally, CompQSoft was advised that “no other changes to [its] proposal [would] be accepted or evaluated.” *Id.*

Following the exchanges, CompQSoft revised the number of personnel it proposed and its price. *Id.* at 12-38. The SSA reviewed these changes and noted that the increase in personnel aligned with the projected estimates for the new requirements reflected in Appendix A, and increased the agency’s “already high confidence” that the company could successfully perform the task order. AR, Tab 12, Supp. SSDD at 1. The SSA also acknowledged that as a result of the increase in personnel, VariQ’s price also increased. *Id.* Taking these revisions into account, the SSA nonetheless affirmed his original selection of CompQSoft as representing the best value to the government. *Id.*

As set forth above, in disagreeing with the agency, VariQ argues that the FON’s use of the term “remaining issues” meant the agency could only conduct “clean-up” exchanges

with the best-suited offeror, and did not permit “wholesale changes to [the] proposal.” Comments and Supp. Protest at 13; Protester’s Comments, May 8, 2020, at 4-5. We disagree.

The protester’s narrow construction of section 4.4 of the FON does not give effect to the entire provision. There is nothing in the sentence relied on by VariQ that limits the agency’s scope of exchanges with the apparent successful offeror. FON at 138. In fact, the sentences that immediately follow state that the exchanges “may include technical and price” and any “remaining issues,” which would be identified “at the sole discretion of the [g]overnment.” *Id.* Under the facts presented here, VariQ’s arguments provide no basis for our Office to object to the agency’s exchanges with CompQSoft. This procurement was conducted pursuant to the procedures of FAR subpart 16.5, not FAR part 15, and the agency’s conduct was consistent with the terms of the solicitation. In short, the protester has not shown that the agency violated procurement law or regulation.¹⁵

We also agree with the agency that to the extent that VariQ is now challenging the scope of the exchanges permitted by the solicitation, its protest is untimely. *CSRA LLC, B-417635 et al.*, Sept. 11, 2019, 2019 CPD ¶ 341 at 7. In this regard, the FON advised that the issues that agency could address with the apparent successful offeror “may include technical and price.” FON at 138. It is well-settled that a party who has the opportunity to object to allegedly improper or patently ambiguous terms in a solicitation,

¹⁵ VariQ cites to a number of our decisions in support of its argument that the exchanges between the agency and CompQSoft were not fair because it allowed CompQSoft to “dramatically increase staffing--changing how its proposal was structured--without providing [VariQ] the same opportunity.” Comments and Supp. Protest at 14 (citing *Vencore Servs. & Sols., Inc.*, B-412949.2 *et al.*, July 18, 2016, 2016 CPD ¶ 346; *MCR Fed., LLC*, B-416654.2, B-416654.3, Dec. 18, 2018, 2019 CPD ¶ 335). We find VariQ’s reliance on these decisions misplaced because in those cases, the agency engaged in discussions with the protester, but those discussions were found to be misleading. *Vencore Servs. & Sols., Inc.*, *supra* at 8-9; *MCR Fed. LLC*, *supra* at 5.

Further, contrary to the protester’s assertion that CompQSoft was provided an opportunity to make “wholesale changes to [its] proposal so that it is fundamentally different than the one the [a]gency evaluated,” the record shows that the exchanges were limited to CompQSoft’s proposed staffing levels, and any possible resulting increase in price. AR, Tab 10, SSDD at 2. The record also shows that the SSA contemporaneously affirmed his selection decision after reviewing the limited revisions to CompQSoft’s proposal. The SSA found the revised staffing level to have increased the agency’s “already high confidence in the [o]fferor’s ability to perform successfully” on the task order. AR, Tab 12, Supp. SSDD at 1. Based on the circumstances presented here, we disagree with the protester that the agency’s conduct of exchanges undermined the foundational principle of FAR part 16 procurements that all contract holders be permitted a fair opportunity to compete.

but fails to do so prior to the time set for receipt of proposals, waives its ability to raise the same objection later. See *ASRC Fed. Data Sols., LLC*, B-417655 *et al.*, Sept. 18, 2019, 2019 CPD ¶ 325 at 7. We have noted that this rule prevents an offeror from taking advantage of the government, as well as other offerors, by waiting silently during the procurement process, only to spring forward after award with an alleged defect in an effort to restart the procurement. *Id.*

The protest is denied.

Thomas H. Armstrong
General Counsel