Decision

Matter of: ProSync Technology Group, LLC

File: B-420824; B-420824.2

Date: September 2, 2022

Paul W. Kim, Esq., Sung Hwang & Kim, LLP, for the protester.
Gordon R. Jimison, Esq., and John J. Bowers, Esq., Department of Justice, for the agency.
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DIGEST

1. Protest challenging the agency's conclusion that protester's quotation was unacceptable is denied where the evaluation was reasonable and in accordance with the terms of the solicitation.

2. Protest alleging the agency unreasonably failed to disclose information material to the preparation of a quotation is dismissed where the protest ground was raised more than 10 days after the protester should have known the basis for its protest.

DECISION

ProSync Technology Group, LLC, a small business of Ellicott City, Maryland, protests the evaluation of its quotation under request for quotations (RFQ) No. 15JPSS22Q00000034, issued by the Department of Justice (DOJ), for services and software to support DOJ's Personnel Security Group in replacing the Justice Security Tracking and Adjudication Record System (JSTARS). The protester contends the agency unreasonably determined that its quotation was unacceptable.

We deny the protest in part and dismiss it in part.

BACKGROUND

JSTARS serves as DOJ's personnel security system by, among other things, electronically storing documents, automating workflow, providing oversight of cases, and tracking clearance information for personnel. Agency Report (AR), Tab A.2, RFQ

at 18.[1] According to the agency, JSTARS is currently hosted on an outdated version of an application development platform known as Entellitrak; DOJ is seeking a vendor to replace JSTARS with a new security tracking and adjudication system supported on the latest version of Entellitrak or equal platform. *Id.*

To achieve that end, the agency issued the RFQ on March 3, 2022, as a small business set-aside under the General Services Administration's Federal Supply Schedule 70, Information Technology Professional Services in accordance with the procedures of Federal Acquisition Regulation section 8.405. RFQ at 2, 11. The agency sought to issue a task order for a base period, with two 1-year option periods.[2] *Id.* at 30. The due date for quotations, as amended, was March 29, 2022.[3] COS/MOL at 3; AR, Tab A.14, amend. 0005 at 1.

The RFQ provided for the evaluation of quotations under the following evaluation factors: project plan, past performance, and price. RFQ at 11. For project plan, the agency would evaluate the ability of the vendor's proposed software solution to meet the brand name or equal requirements for Entellitrak, such as the ability to migrate the existing JSTARS data and documents into the new application.[4] *Id.* at 7-8, 11. For past performance, the agency would evaluate up to three previous contracts that were recent and relevant to the work required by this RFQ.[5] *Id.* at 8. For price, the agency would conduct a price reasonableness analysis. *Id.* at 9. The solicitation contemplated award

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[1] All citations are to the Adobe PDF page numbers.

[2] The RFQ provided that the base period would be the date of award to September 30, 2022. *Id.* at 30.

[3] The agency amended the RFQ six times. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 2. The only amendment relevant to this protest is Amendment 0002, which incorporated a series of questions and answers into the solicitation. *See* AR, Tab A.8, Amend. 0002.

[4] Under this factor, quotations would receive a rating of outstanding, good, acceptable, marginal, or unacceptable. *Id.* at 14. As relevant here, a rating of "unacceptable" indicated that the quotation did not meet the requirements and contained one or more deficiencies. *Id.* A "deficiency" was defined as a material failure to meet a requirement or a combination of significant flaws in the quotation that increased the risk of unsuccessful performance to an unacceptable level. AR, Tab C, Evaluation Report at 5.

[5] The RFQ defined "recent" as work performed within the last three years prior to the closing date; "relevant" was defined as having a similar scope, magnitude, and complexity to the requirements of the RFQ. RFQ at 8. Quotations would receive a relevancy rating of very relevant, relevant, somewhat relevant, or not relevant; quotations also would receive a confidence rating of substantial confidence, satisfactory confidence, neutral confidence, limited confidence, or no confidence. *Id.* at 14-15. The agency then would assign quotations an overall past performance rating. AR, Tab C, Evaluation Report at 7.

on a best-value tradeoff basis where the project plan was more important than past performance, and when combined, the non-price evaluation factors were significantly more important than price. *Id.*

The agency received three quotations, including one from ProSync. COS/MOL at 3. The final evaluation results for ProSync's quotation were as follows:

	ProSync
Project Plan	Unacceptable
Past Performance	Limited Confidence
Price	$10,874,358

AR, Tab G, Award Decision Document at 2.

In its report, the technical evaluation team (TET) concluded that ProSync's quotation, although containing some positive areas that earned strengths, was ultimately unacceptable because of its "upgrade approach" to JSTARS. AR, Tab C, Evaluation Report at 3-4. The TET found that ProSync's plan to upgrade Entellitrak and then migrate JSTARS to a new cloud environment was a major weakness and risk because, in essence, it was an upgrade to JSTARS. *Id.* at 3. Ultimately, the TET assigned ProSync's quotation a deficiency because it was not clear that ProSync understood the requirement to build a new system to replace JSTARS. *Id.* at 1-4.

The contracting officer notified ProSync that it was not selected for award on May 12, 2022. AR, Tab H, Award Notice to Unsuccessful Offerors at 1. The agency provided ProSync with a brief explanation on May 18. Protest, exh. A, Brief Explanation at 4-5. ProSync filed an agency-level protest on May 26, which the agency denied on June 15. Protest, exh. C, Agency-Level Protest Decision at 8-10. ProSync filed this protest with our Office on June 16.[6]

DISCUSSION

ProSync contends that the agency unreasonably assigned its quotation a deficiency. Protest at 2-3. Specifically, ProSync argues that the agency misunderstood its quotation when it concluded that ProSync did not propose to build a new system. *Id.* Additionally, ProSync argues that the agency failed to disclose that JSTARS's code was outdated and that updating the system was unfeasible.[7] Comments and Supp. Protest at 2. For the reasons discussed below, we deny the protest.

The evaluation of quotations is a matter within the discretion of the procuring agency. *Platinum Bus. Servs. LLC*, B-419930, Sept. 23, 2021, 2021 CPD ¶ 348 at 4. In

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[6] The protester also filed a supplemental protest on July 22.

[7] Although we do not address each argument raised by the protester, we have considered them and find none to be meritorious.

reviewing a protest of an agency's evaluation of quotations, it is not our role to reevaluate quotations; rather, our Office will examine the record to determine whether the agency's judgment was reasonable and consistent with the solicitation criteria. *Id.* A vendor's disagreement with the agency, without more, does not render the evaluation unreasonable. *Id.*

Here, ProSync argues that the deficiency assigned to its quotation stemmed from the agency's misunderstanding of its quotation, namely that the agency misunderstood ProSync's plan to migrate JSTARS to a cloud-based environment. Protest at 2-3. According to ProSync, it proposed creating a cloud environment to host JSTARS, but prior to migrating the system, it needed to update the Entellitrak platform underlying JSTARS. *Id.* ProSync would then migrate the updated JSTARS to the new cloud environment. *Id.* In ProSync's view, this approach met the requirements of the RFQ to create a new system. *Id.*

The agency contends, however, that it did not misunderstand ProSync's plan to create a new cloud environment; in fact, it even assigned a strength to ProSync's quotation for its "proposed cloud architecture." COS/MOL at 11-12; AR, Tab C, Evaluation Report at 3. According to the agency, ProSync's quotation received a deficiency due to its plan to upgrade JSTARS rather than create a new system to replace it. AR, Tab C, Evaluation Report at 3.

Based on the record, we have no basis to object to the agency's evaluation of ProSync's quotation. The RFQ sought a "new security tracking and adjudication system supported on the latest version of . . . Entellitrak" that was to "replace the current JSTARS platform." RFQ at 18. ProSync did not propose a new system to replace JSTARS; it proposed a series of updates to JSTARS followed by a migration of the updated system to a new cloud environment. AR, Tab B.1, ProSync's Quotation Volume One at 9-10. According to the agency, simply upgrading JSTARS rather than building a new system on the latest version of Entellitrak would "introduce bugs from the existing code and affect the future maintainability of the JSTARS system" because "much of the existing JSTARS code is hard-coded and unusable in later versions of Entellitrak." AR, Tab C, Evaluation Report at 3-4. The plan proposed by ProSync thus would not be feasible and did not meet the requirements of the RFQ. *See id.* As a result, we have no basis to object to the agency's assignment of a deficiency to ProSync's quotation and consequently, we deny this ground of protest.

In its supplemental protest, ProSync argues that the agency withheld material information from it, namely that JSTARS's code was outdated and unusable in later versions of Entellitrak. Comments and Supp. Protest at 2. Had it known this fact, ProSync contends that it would not have proposed upgrading the system, but would have "create[d] a new JSTARS from scratch." *Id.* We dismiss this protest ground as untimely.

Our Bid Protest Regulations require that protests, other than those challenging the terms of a solicitation, be filed within 10 days of when a protester knew or should have

known its basis of protest. 4 C.F.R. § 21.2(a)(2); *Criterion Sys., Inc.*, B-416553, B-416553.2, Oct. 2, 2018, 2018 CPD ¶ 345 at 8. Where a protester initially files a timely protest, and later supplements it with new grounds of protest, the later-raised allegations must independently satisfy our timeliness requirements. *Fisher Sand & Gravel Co.*, B-417496, July 26, 2019, 2019 CPD ¶ 280 at 10.

Here, the agency filed the exhibits for its agency report on July 1. Electronic Protest Docketing System No. 11. These exhibits contained, among other things, a discussion of the agency's concerns with ProSync's upgrade approach to JSTARS due to the underlying code being outdated and unusable in later versions of Entellitrak. AR, Tab C, Evaluation Report at 3-4. ProSync thus should have known the basis for this protest ground by July 1, and was required to file its supplemental protest no later than 10 days from that date. Instead, ProSync raised this protest ground for the first time on July 22. Comments and Supp. Protest at 1-2. Accordingly, this protest ground is dismissed as untimely.[8]

The protest is denied in part and dismissed in part.

Edda Emmanuelli Perez
General Counsel

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[8] In its supplemental protest, ProSync also challenged the evaluation of its past performance. Comments and Supp. Protest at 2-3. We dismiss this protest ground for failing to demonstrate competitive prejudice. Competitive prejudice is an essential element of every viable protest. *Armorworks Enters., LLC,* B-400394.3, Mar. 31, 2009, 2009 CPD ¶ 79 at 3. Our Office will not sustain a protest unless the protester demonstrates a reasonable possibility that it was prejudiced by the agency's actions. *Raytheon Co.*, B-409651, B-409651.2, July 9, 2014, 2014 CPD ¶ 207 at 17. In other words, the protester must show that but for the agency's actions, it would have had a substantial chance of receiving the award. *Id.* Here, even if we were to sustain this challenge, ProSync still would not have a substantial chance of receiving the award because, as discussed above, the agency reasonably determined its quotation was unacceptable.