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Decision

Matter of: Open SAN Consulting, LLC- dba OSC Edge

File: B-420724.2; B-420724.3

Date: August 5, 2022

Stuart W. Turner, Esq., and Thomas A. Petit., Esq., Arnold & Porter Kaye Scholer LLP, for the protester.

John McHugh, Esq., and Amanda Belanger, Esq., Department of the Navy, for the agency.

Katherine I. Riback, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of protester's proposal and its exclusion from the competition is denied where the record shows that the evaluation was reasonable.

DECISION

Open SAN Consulting, LLC-dba OSC Edge (OSC), a small business of Atlanta, Georgia, protests the exclusion of its proposal from the competition under request for proposals (RFP) No. M95494-22-R-3001, issued by the Department of the Navy, U.S. Marine Corps (USMC) for information technology support services. The protester argues that the agency unreasonably evaluated its proposal.

We deny the protest.

BACKGROUND

On January 7, 2022, the USMC issued the solicitation in accordance with Federal Acquisition Regulation 16.505, as a set-aside for participants in the Small Business Administration's 8(a) program. Agency Report (AR), Tab 2, RFP Sections A-M, and attachments A, B, and L-1 (RFP) at 1 and 26.¹ The RFP was issued to holders of the Navy's SeaPort Next Generation (SeaPort NxG) contract, a multiple award

¹ Citations to the RFP refer to the Adobe PDF page numbers.

indefinite-delivery, indefinite-quantity (IDIQ) contract.² *Id.* The RFP contemplated the issuance of a cost-plus-fixed-fee, level-of-effort task order with a 5-year ordering period and a 6-month option period. *Id.* at 5 and 10. The solicitation stated that the agency intends to make award to the responsible offeror whose proposal conforms to the solicitation requirements and is determined to provide the best value. *Id.* at 38.

The solicitation instructed offerors of the following:

The proposal shall be clear, concise, and include sufficient detail for effective evaluation and for substantiating of the validity of stated claims. The proposal shall not simply re-phrase or re-state the Government's requirements, but rather shall provide convincing rationale to address how the Offeror intends to meet these requirements. Statements that the Offeror will provide a particular feature or objective without explaining how the Offeror proposes to meet that feature or objective are generally inadequate and may adversely impact the Government's evaluation of the Offeror.

Id. at 28. The solicitation went onto state that offerors shall assume the government "has no prior knowledge" of their capabilities and experience and will base its evaluation on the information presented in each offeror's proposal. *Id.*

The RFP provided for a three-phased evaluation. *Id.* at 38. The solicitation instructed offerors to submit information for "Gate Criteria: Technical Experience (Acceptable/Unacceptable)" in its volume I: gate criteria proposal submission, which could not exceed nine pages. *Id.* at 29. Offerors were to complete an attached corporate experience form (attachment L-1) by providing up to, but not more than, three contracts performed within the past five years from the date the solicitation was released. *Id.* The solicitation instructions explained that the offeror's corporate experience form should demonstrate how its proposed team has experience performing six services, including:

f. Provide services to an enterprise network consisting of at least six (6) web-based systems which supported a minimum of 4,000 concurrent users.

Id. at 30.

The agency would assess proposals under the "Gate Criteria" factor as either acceptable or unacceptable based on whether proposals met the minimum requirements for technical experience. The solicitation stated that an offeror would be

² The SeaPort-NxG IDIQ contract, awarded in January 2019, is the successor to the Navy's SeaPort-Enhanced (SeaPort-e) IDIQ contract, which was first awarded in April 2004. *ICI Services Corp.*, B-418255.5, B-418255.6, Oct. 13, 2021, 2021 CPD ¶ 342 at 2 n.1.

considered acceptable if “the cumulative experience” of its three corporate experience references demonstrated performance of the six services identified in the evaluation criteria for the factor. *Id.* at 39. The RFP stated that an unacceptable rating under the gate criteria factor would “render the entire proposal ineligible for award without further evaluation.” *Id.* at 38.

Section I of the solicitation’s corporate experience form, attachment L-1, instructed offerors to complete a technical experience matrix that identified which of their corporate experience references demonstrate experience in providing the required six services. *Id.* at 131. Sections II through IV of the form instructed offerors to provide a narrative describing how their experience performing each of their corporate experience references meets each of the required services listed in the gate criteria. *Id.*

Proposals satisfying the gate criteria would then be evaluated, and award would be made on a best-value tradeoff basis, considering the following factors: staffing approach, management approach, past performance, and total evaluated cost.³ *Id.* at 39-40.

Offerors, including OSC, submitted proposals prior to the February 15 closing date. OSC’s proposal included three contract experience references, one for its work as managing member and subcontractor to a joint venture with the Department of the Army, one for work performed for the National Defense University (NDU), and the final reference was for work performed by one of its subcontractors for the Marine Forces Reserve. AR, Tab 3, OSC Corporate Experience Form at I-9.

The agency evaluated OSC’s proposal as unacceptable under the gate criteria factor because it did not address all six services identified under the gate criteria. AR Tab 5, Consensus Evaluation Report at 7-10. Specifically, the agency determined that OSC failed to demonstrate experience providing services to an enterprise network which supported a minimum of 4,000 concurrent users (an element under Section F enterprise network services). *Id.* As a result, the agency did not further evaluate OSC’s proposal under the remaining evaluation factors. The agency notified OSC of its exclusion from the competition, and this protest with our Office followed.⁴ AR, Tab 6, Notification of Unsuccessful Offeror.

³ The RFP provided that the agency would evaluate an offeror’s past performance based on the contracts listed in its corporate experience form (attachment L-1), relevant contract performance assessment reporting system reports, and might “use information obtained from any or all references listed in the proposal.” RFP at 31.

⁴ The awarded value of the task order at issue exceeds \$25 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of orders under multiple-award IDIQ contracts established under the authority in title 10 of the United States Code. 10 U.S.C. § 3406(f)(1)(B)..

DISCUSSION

OSC argues that the agency unreasonably evaluated OSC's technical experience as unacceptable under the gate criteria factor for failing to demonstrate experience providing services to an enterprise network supporting a minimum of 4,000 concurrent users. In this regard, the protester contends that its proposal adequately addressed all six of the required services, including the enterprise network services requirement. The protester also contends that the agency erred by not contacting OSC's listed contract references, which would have established that OSC's technical experience met all of the gate criteria elements. For the reasons discussed below, we deny the protest.⁵

The evaluation of proposals in a task order competition is primarily a matter within the discretion of the procuring agency, since the agency is responsible for defining its needs and the best method of accommodating them. *Golden Key Group, LLC*, B-419001, Nov. 16, 2020, 2021 CPD ¶ 135 at 8. In reviewing a protest of an agency's evaluation of proposals, it is not our role to reevaluate proposals; rather, our Office will examine the record to determine whether the agency's judgment was reasonable and consistent with the solicitation criteria. *Id.* An offeror's disagreement with the agency, without more, does not render the evaluation unreasonable. *STG, Inc.*, B-405101.3 *et al.*, Jan. 12, 2021, 2012 CPD ¶ 48 at 7. In addition, an agency is not required to infer information from an inadequately written proposal or to supply information that the protester elected not to provide. *Technatomy Corp.*, B-411583, Sept. 4, 2015, 2015 CPD ¶ 282 at 6.

Enterprise Network Services Experience

With respect to the enterprise network services requirement, the protester argues that it addressed this requirement in all three of the references provided in OSC's corporate experience form. We address each experience reference in turn.

For OSC's contract with the Army, OSC's corporate experience form included the following narrative:

OSC has developed and is maintaining web-based systems on-premise and in A365. These systems support [DELETED] Army users. We designed and built SharePoint applications for the 335TH, including [DELETED].

AR, Tab 3, OSC Corporate Experience Form at I-3. Based on this statement, the agency determined that OSC's proposal established experience providing services to at least six web-based systems. AR, Tab 5, Gate Final Evaluation at 9. However, the agency also concluded that OCS's proposal failed to specify that those web-based systems supported a minimum of 4,000 concurrent users. *Id.* at 10.

⁵ Although we do not specifically address each of the protester's allegations, we have considered each allegation and find none to be meritorious.

The protester argues that this determination was unreasonable, as “it is not clear if it is even possible for a ‘web based system’ with ‘tens of thousands of users’ not to serve those users concurrently.” Comments & Supp. Protest at 5 (emphasis in the original). Similarly, OSC argues that its subcontractor’s experience with the Marine Force Reserve supporting “over [DELETED] users,” met the solicitation requirement for supporting a minimum of 4,000 concurrent users. Protest at 10 *quoting* AR, Tab 3, OSC Corporate Experience Form at I-9.

Here, we find that OSC’s proposal responses did not match the clear and precise requirements of the solicitation. In this regard, the enterprise network services requirement specifically required, among other things, that the offeror demonstrate that it had experience providing “services to an enterprise network consisting of at least six (6) web-based systems which supported a minimum of 4,000 concurrent users.” RFP at 30. If OSC considered the specific “concurrent users” requirement to be superfluous or otherwise unnecessary, the protester could have protested the inclusion of this requirement in the solicitation before the due date for the receipt of proposals. 4 C.F.R. § 21.2(a)(1). OSC’s proposal failed to specifically address the requirement, however, and instead expected the agency to infer that its contract reference met the RFP requirement. We find that the agency was not required to infer information from an inadequately written proposal or to supply information that the protester elected not to provide. *Technatomy Corp.*, *supra* at 6.

For OSC’s NDU contract, OSC’s corporate experience form included the following narrative in response to the enterprise network services requirement:

OSC focuses on supporting NDU’s users and stakeholders across the enterprise network, covering on-campus users, satellite users, and virtual users. OSC engineers and technicians routinely verify the status of modified, enabled, and disabled accounts for [DELETED] concurrent users, including current students, staff, faculty, and past students who still require account access and support. We have developed, optimized, and maintained web-based applications to deliver greater capability to NDU users. This includes applications such as [DELETED]. We have custom-built applications for NDU’s benefit, such as [DELETED].

AR, Tab 3, OSC Corporate Experience Form at I-6. The agency determined that this narrative referenced [DELETED] concurrent users in the context of users of an enterprise network, not in the context of users utilizing web-based systems. AR, Tab 5, Gate Final Evaluation at 9. The agency also noted that the solicitation required that offerors demonstrate that their team had experience providing services to an enterprise network consisting of at least six web-based systems. *Id.* Four of the six systems mentioned by OSC were Office 365 software as a service (SaaS) systems, however, which would be supported by Microsoft instead of OSC. *Id.*

The protester argues that this narrative met the enterprise network services requirement. In this regard, OSC states that its proposal included a description of

NDU's system that referred to "users," and the users of that system. OSC maintains that its proposal clearly stated that the web-based applications of the NDU system are enterprise-wide applications, and the enterprise supports [DELETED] concurrent users. Comments & Supp. Protest at 7. OSC did not address the agency's comment that OSC referenced four Office 365 (SaaS) systems in its system count which, according to the agency, would be supported by Microsoft instead of OSC. AR, Tab 5, Gate Final Evaluation at 9.

We find the agency had a reasonable basis to conclude that the NDU reference did not clearly demonstrate the specific RFP requirement for experience providing services for an enterprise network consisting of at least six web-based systems supporting a minimum of 4,000 concurrent users. In this regard, the narrative addressed [DELETED] concurrent users in the context of users utilizing an enterprise network, without demonstrating that the network was web-based. While the protester argues that the next sentence in the narrative addresses web-based applications, we agree with the agency that it was not required to infer that OSC's reference to "[DELETED] concurrent users" earlier in the description, was connected to its discussion of OSC's listed web-based applications, mentioned later in the narrative. See *Technatomy Corp.*, *supra* at 6. We note further that some of these applications were supported by OSC, and some were, according to the agency, supported by Microsoft. In addition, OSC failed to respond to the agency's second criticism of the NDU reference that OSC included four Office 365 (SaaS) systems in its system count, which, according to the agency, would be supported by Microsoft instead of OSC.

In sum, we find that the agency reasonably determined that OSC failed to unambiguously demonstrate that it had experience providing "services to an enterprise network consisting of at least six (6) web-based systems which supported a minimum of 4,000 concurrent users," as required by the solicitation. RFP at 30. Since OSC had the burden of submitting an adequately written proposal, yet failed to do so, we have no basis to question the reasonableness of the agency's evaluation.

Contract References Evaluation

The protester also contends that the agency erred by not contacting OSC's listed contract references to establish that OSC's technical experience met each of the six requirements for the gate criteria factor. Comments & Supp. Protest at 9. OSC notes that the RFP provided that the evaluation of the gate criteria and past performance factors are both based on the corporate experience form, which included the contact information of each contract reference. *Id.* The protester argues that, in light of this, there is no rational basis for the agency to wait until the past performance evaluation to contact references when those references would remain the same. By failing to contact these references, OSC contends that the agency excluded OSC's proposal from competition on the basis of an ambiguity that easily could have been clarified. *Id.* at 9-10.

The agency points out that the solicitation evaluation criteria notified offerors that during the evaluation of the phase 1 gate criteria factor the agency would not use any information outside of what offerors provided within their corporate experience form. Supp. AR at 2. The agency contends that OSC's assertion that the agency should have contacted an offeror's listed references to obtain any missing information, is at odds with the language of the RFP, and the purpose of the gate criteria evaluation factor. Supp. AR at 2 n.1. We agree with the agency.

While the agency's evaluation of the gate criteria and past performance factors both relied on the information in the corporate experience form (attachment L-1), the solicitation made clear that the evaluations of these two factors were separate and distinct. Regarding the gate criteria factor, the solicitation made no mention of contacting references and instead provided that an offeror would be rated acceptable if the cumulative experience of its corporate references "demonstrate[d] performing all of the services." RFP at 39; see *Citizant, Inc.; Steampunk, Inc., B-420660 et al.*, July 13, 2022 at 4 n.4 (denying protest challenging an agency's failure to contact a reference during its evaluation of corporate experience, where the solicitation did not require the agency to contact each submitted reference). In contrast, for the past performance factor, the RFP stated that the agency "may" contact listed references in connection with its evaluation. RFP at 31.

In sum, we find that the agency reasonably concluded that the protester's proposal did not meet the solicitation requirements. We also find that the agency's decision to limit its evaluation of the gate criteria factor to the contents of the corporate experience form was reasonable, and in accordance with the RFP's terms. Consequently, we find nothing objectionable about the agency's decision to exclude the protester from further consideration.

The protest is denied.

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General Counsel