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Decision

Matter of: Smart Data Solutions, LLC

File: B-400454.3

Date: November 21, 2008

Terrence M. O'Connor, Esq., and Stephanie D. Wilson, Esq., Albo & Oblon, LLP, for the protester.

Maj. John G. Terra, Department of the Air Force, for the agency.

Linda C. Glass, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the awardee's staffing plan provides for too few personnel is denied where agency reasonably determined that the awardee's proposed approach will meet the performance requirements and the protester's assertion is based solely on a comparison of the total number of personnel it proposed with the total number of personnel proposed by the awardee.

DECISION

Smart Data Solutions, LLC (SDS) of Baltimore, Maryland protests the award of a contract to Black Box Technologies (BBT) of Pensacola, Florida under request for proposals (RFP) No. FA4890-08-R-0004, issued by the Department of the Air Force for weather forecasting and weather and radar equipment maintenance services. SDS contends that the BBT proposal did not conform to the staffing requirements of the RFP.

We deny the protest.

The RFP was issued on March 19, 2008 and contemplated the award of a single fixed-price contract for weather services and maintenance--with cost reimbursable contract line item numbers (CLINs) for travel, material and overtime pay--for a base period followed by four 1-year option periods. With respect to the cost reimbursable CLINs, the RFP provided a lump sum, not-to-exceed amount for each CLIN. The RFP provided that award would be made to the offeror whose proposal was determined to represent the best value using a technically acceptable/performance/price tradeoff procedure. RFP at 39. That is, the proposals would first be evaluated

for technical acceptability, and then a tradeoff between past performance and price would be conducted.

The RFP identified under the technical evaluation factor the following subfactors: program management and transition plan. Of relevance here, under the program management subfactor the RFP required offerors to provide, among other things, “a manpower matrix with proposed skill sets and the minimum qualifications required for these skill sets for each place of performance.” RFP at 40.

With respect to the price factor, the RFP stated that proposed prices would be evaluated for price reasonableness and affordability of the proposed total evaluated price; the RFP also stated that unrealistically low or high prices would be grounds for eliminating a proposal. RFP at 40. The RFP anticipated an evaluation of prices to determine if prices were compatible with the scope of the effort, and were not unbalanced, excessive, or insufficient for the effort to be accomplished. Id.

With regard to the past performance evaluation factor, the RFP stated that the agency would use adjectival ratings of substantial confidence, satisfactory confidence, limited confidence, no confidence and unknown confidence. RFP at 41.

The RFP further advised that if the lowest-priced technically acceptable offer received a past performance rating of substantial confidence, then that offer would be viewed as representing the best value to the government and that offer would receive the award. RFP at 42. The government reserved the right to make a tradeoff decision if the lowest priced/technically acceptable offer received a past performance assessment of satisfactory confidence or lower. Id.

[DELETED] proposals were received in response to the RFP, including proposals from BBT and SDS. After evaluation, discussions and receipt of revised proposals, BBT’s and SDS’s proposals [DELETED], were found to be technically acceptable. BBT received a rating of satisfactory confidence for past performance and proposed the lowest price of \$19 million. SDS received a rating of substantial confidence for past performance, but proposed the second-highest price of \$22 million.

The source selection authority (SSA) reviewed the evaluation results and concluded that BBT’s lower-priced proposal represented the best value to the government. Specifically, the SSA agreed with the assessment of the evaluation team that BBT’s technical approach was acceptable, and based on BBT’s record of past performance, the agency had satisfactory confidence that BBT could perform. The SSA recognized that SDS had a substantial confidence past performance rating but determined that the difference in the past performance rating did not justify the \$3 million price premium. Source Selection Document at 3. Consequently, award was made to BBT.

After receiving a debriefing, SDS filed an initial protest with our Office arguing that the Air Force failed to conduct a reasonable cost realism analysis of certain fixed-

price CLINs. We dismissed that protest on September 10, 2008 because the procurement was essentially for the award of a fixed-price contract and a cost realism analysis of the fixed price items was not required. See Systems, Studies, and Simulation, Inc., B-295579, Mar. 28, 2005, 2005 ¶ 78 at 6.

SDS, in its current protest, focuses on the differing staffing levels proposed by it and BBT at several locations. In this regard, BBT's staffing plan proposed a 12 percent reduction in total hours from the current contractor staffing. BBT's Letter of August 18, 2008 at 3. SDS contends that the agency failed to comply with the RFP requirement to award to an offer "conforming to the solicitation." While SDS argues that the staff reductions proposed by BBT at several locations results in inadequate staffing, SDS specifically discusses only the staffing reductions proposed by BBT at Fort Belvoir. For Fort Belvoir, SDS proposed a staff of four while BBT proposed a staff of three.

In reviewing protests against allegedly improper evaluations, it is not our role to reevaluate proposals. Rather, our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the evaluation factors set forth in the RFP. Abt Assocs., Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. The protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. UNICCO Gov't Servs., Inc., B-277658, Nov. 7, 1997, 97-2 CPD ¶ 134 at 7.

With respect to Fort Belvoir, the RFP stated that the contractor was to perform two required services--observing and forecasting--from 5:30 a.m. to 9:30 p.m. daily, Monday through Friday, except for Federal Holidays. The RFP also required the forecast section to be open for "across-the-counter" business no later than 6 a.m. each weekday, and to remain open until the close of normal hours of operation. The record shows that BBT proposed to staff Fort Belvoir with three personnel. One would work from 5:30 a.m. to 1:30 p.m., one would work from 8 a.m. to 4 p.m., and one would work from 1:30 p.m. to 9:30 p.m. Agency's Motion to Dismiss, Attach. 4, at 1-2. The agency found this staffing to be adequate in that it ensured that there was always a qualified weather technician on duty, and also provided for double coverage from 8 a.m. to 4 p.m. every duty day.

On the record here, the protester's assertion that it was unreasonable for the agency to evaluate BBT lower proposed staffing levels as acceptable suggests that SDS misunderstands the RFP. As explained above, the RFP did not establish any particular staffing levels that were required or expected. Rather, the RFP provided the performance requirements and offerors were to provide the staffing levels they believed necessary to accomplish the requirements.

SDS essentially maintains that its own understanding of the required staffing is superior to that of BBT. Accordingly, SDS reasons that BBT's proposal to perform the contract requirements using a total staffing level lower than that proposed by

SDS should have been evaluated as unacceptable. Given BBT's explanation of how it would perform at Fort Belvoir, with three personnel, we cannot conclude that the agency was unreasonable in its assessment that BBT could perform with three personnel at Fort Belvoir. Moreover, SDS merely asserts in conclusory terms that BBT's proposal to perform the contract requirements with staffing levels lower than those proposed by SDS is inadequate and therefore should have been rejected as unacceptable.

Our review of the record leads us to conclude that the agency reasonably decided that BBT submitted an acceptable staffing plan, and that SDS's protest challenging the agency's evaluation constitutes, at best, mere disagreement with the agency's judgment.

The protest is denied.

Gary L. Kepplinger
General Counsel