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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Ideamatics, Inc.

File: B-297791.2

Date: May 26, 2006

David L. Danner for the protester.

Michael A. Hordell, Esq., Charles H. Carpenter, Esq., and Sean P. Bamford, Esq.,
Pepper Hamilton LLP, for Kadix Systems LLC, an intervenor.

David P. Ingold, Esq., U.S. Marine Corps, for the agency.

Susan K. McAuliffe, Esq., and Christine S. Melody, Esq., Office of the General
Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging evaluation of proposals and source selection decision is denied where record demonstrates that the evaluation was reasonable and consistent with the solicitation, and protester's arguments amount to mere disagreement with agency's conclusions.

DECISION

Ideamatics, Inc. protests the award of a contract to Kadix Systems LLC under request for proposals (RFP) No. M67854-06-R-4904, issued by the Marine Corps for technical support services, including system analysis and functionality upgrades, for the maintenance and enhancement of its manpower mobilization assignment system used to track active, reserve, and retired personnel. The protester generally challenges the reasonableness of the agency's evaluation of the proposals and the award to Kadix, which submitted a higher-rated, higher-priced proposal.

We deny the protest.¹

¹ The protester proceeded with its protest *pro se* and therefore did not have an attorney who could obtain access to nonpublic information pursuant to the terms of a protective order. Accordingly, our discussion of the evaluation and source selection is necessarily general in nature to avoid reference to nonpublic information. Our conclusions, however, are based on our review of the entire record, including nonpublic information.

The RFP, issued on November 17, 2005, contemplated the award of a fixed-price contract, for a base year plus four option periods. The RFP listed the following three technical evaluation factors: understanding and approach; personnel; and past performance (with the first factor having slightly more weight than the two other equally-weighted factors). The RFP provided that overall technical merit was of significantly greater importance than price, but that price would increase in importance the closer the proposals were in technical merit.

An earlier award to Kadix under the RFP had been challenged by Ideamatics; after the agency took corrective action in that case, agreeing to hold discussions, issue an amendment to the RFP, and make a new award decision, Ideamatics withdrew its protest. During the subsequent discussions, Ideamatics was advised of a list of weaknesses in its proposal, primarily related to a lack of detail regarding the firm's proposed approach to meeting many of the RFP's requirements (including, for example, system analysis and quality assurance work), and regarding its proposed personnel's roles and responsibilities.

Shortly after discussions were held, the agency issued an amendment revising the RFP's evaluation terms. The initial RFP had called for evaluation of an offeror's "experience with" certain required services; the amended solicitation called for evaluation of the offeror's "approach to" performing the services. RFP amend. 2. Upon receiving the amended evaluation terms, Ideamatics asked for an extension of time to prepare a revised proposal, stating as follows:

There is a significant difference between the terms "experience with" and "approach to." That the RFP would be changed in this way was never mentioned or even suggested in the Discussions. We had written our proposal to address what was requested. The revisions now necessitate that we not only must revise our proposal to address the weaknesses that were identified at the Discussions, but that we significantly revise our proposal in areas that had not been addressed in the Discussions.

Ideamatics Discussion Clarifications, at 1. The agency responded that "this change was made to clarify what we are evaluating. We are evaluating the technical approach, in which we are taking the 'experience with' into account." Final Proposal Revisions Questions and Answers, at 2. The agency denied the protester's request for an extension to the closing time set for revised proposals.²

² In this regard, the protester contends that the agency deliberately misled it to believe that the amendments to the evaluation terms were insignificant and merely "clarified" the initial evaluation terms, thus requiring only limited revision to its proposal. We find the protester's position unreasonable. As the firm itself recognized upon receipt of the amendment, evaluation of a firm's experience is
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Revised proposals were received and evaluated. The Ideamatics proposal, at an evaluated price of \$2,364,115.18, was found to have some significant strengths as well as significant weaknesses; the proposal was rated “acceptable” under both the understanding and approach, and personnel factors, and was assigned a rating of low performance risk under the past performance factor. The Kadix proposal, at an evaluated price of \$3,048,580.43, was found to have many significant strengths and no significant weaknesses; the proposal was evaluated as “outstanding” under both the understanding and approach, and personnel factors, and was assigned a rating of low performance risk under the past performance factor. Considering the strengths and weaknesses of the two proposals, and the evaluated prices, the agency determined that, given the critical nature of the system to be serviced, the technical superiority of the Kadix proposal warranted the cost premium associated with it. The Kadix proposal was determined to offer the best value, and an award was made to the firm. This protest followed.

Ideamatics generally challenges the evaluation of its revised proposal, contending that, since it is the incumbent contractor and creator of the manpower mobilization system, its proposal should have been rated higher. Ideamatics does not challenge the agency’s assessment of the “outstanding” ratings assigned to the Kadix proposal under both the understanding and approach, and the personnel factors. The protester also does not protest the “acceptable” rating its own proposal received under the personnel factor. Ideamatics instead focuses on the “acceptable” rating its revised proposal received for understanding and approach, and argues—without challenging numerous weaknesses cited by the agency under that factor—that the proposal should at least be rated excellent under this factor, as its initial proposal had been rated, based on the firm’s experience with the RFP requirements.³

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strikingly different from evaluation of a proposed approach to meet specified contract performance requirements. Further, there is no evidence in the record to suggest that the agency acted in any way in bad faith. Moreover, contrary to its suggestion otherwise, the protester should have realized, especially in light of being told in discussions of the agency’s concerns about the lack of detail in its proposed approach in its initial proposal, that more detail was required in its revised proposal to achieve a higher evaluation rating.

³ The amended RFP defined the adjectival ratings for the offerors. “Outstanding” was for exceeding requirements with many significant strengths and no significant weaknesses or risks. “Excellent” was defined as exceeding requirements with few significant strengths and no significant weaknesses (or also many significant strengths and few significant weaknesses or risks). A rating of acceptable was to be assigned to proposals found to meet the specified requirements with few significant strengths and few significant weaknesses or risks, or no significant strengths and no significant weaknesses or risks. A rating of marginal was to be assigned to proposals
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In reviewing a protest of an agency's proposal evaluation, our review is confined to a determination of whether the agency acted reasonably and consistent with the terms of the solicitation and applicable statutes and regulations. United Def., LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 10-11. Where the evaluators and the source selection decision reasonably consider the underlying bases for the ratings consistent with the terms of the solicitation, the protester's disagreement with the rating assigned to the proposal provides no basis to question the reasonableness of the judgments made in the source selection decision based on the underlying comparative strengths and weaknesses of the proposals. Citywide Managing Servs. of Port Washington, Inc., B-281287.12, B-281287.13, Nov. 15, 2000, 2001 CPD ¶ 6 at 10-11.

In response to the protest, the agency provided the detailed record of its evaluation and source selection decision; our review confirms that the agency evaluated the relative merits of the proposals and assessed ratings in a reasonable manner, consistent with the RFP's evaluation terms and the rating definitions. Our review of the source selection decision also confirms that the agency considered all of the information available relevant to the evaluation. The source selection authority's decision here is set out in a well-reasoned document highlighting important discriminators between the proposals and the value of the technical superiority of the Kadix proposal despite its higher evaluated price. While the protester disagrees with the "acceptable" adjectival rating its proposal received under the understanding and approach factor, the record clearly supports the reasonableness of the source selection authority's comparative consideration of the substantial strengths in the awardee's comprehensive proposal, and the weaknesses and risks presented by the protester's proposal.

The agency points out that the greatest strength in Ideamatics' proposal under the understanding and approach factor was the firm's experience as the incumbent contractor and creator of the system. The record shows that the firm was fully credited with that experience and other significant strengths. Numerous significant weaknesses, however, were cited under the understanding and approach factor for the Ideamatics proposal; most relate to the firm's failure to provide sufficient detail to explain how it intends to meet the RFP's requirements.⁴ In comparison, the Kadix

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with many significant strengths and many significant weaknesses. RFP amend. 2, at 3.

⁴ The protester argues that the agency unreasonably cited a weakness in its proposal that, according to the protester, actually arose from the agency's incorrect assumption that the firm's project manager would perform most of the system analysis work. Our review of the record supports the reasonableness of the agency's conclusion, since, as the agency points out, the proposed approach to the system

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proposal was found to have more significant strengths under the understanding and approach and personnel factors, and no significant weaknesses. The record squarely supports the reasonableness of the evaluators' conclusions that the awardee's detailed approach and comprehensive business practices provided a greater level of confidence to the agency in terms of the firm's demonstrated ability to maintain and improve the system to be serviced under the RFP. Moreover, there is no basis in the record to question the reasonableness of the agency's determination that, given the substantial strengths of the Kadix proposal, the cost premium associated with award to the firm was warranted.⁵

The protest is denied.

Anthony H. Gamboa
General Counsel

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analysis work was vague in the protester's proposal, and the project manager was proposed at the highest percentage of time for work that included system analysis; in short, the challenged assumption was reasonably based, since the proposal failed to otherwise explain in any detail specifically who would be doing what aspects of the system analysis work and how they would be doing it.

⁵ While the protester also generally contends that the agency failed to conduct meaningful discussions with the firm, neither the protester, nor our review of the record, provides support for this contention. As the discussions record shows, the firm was generally advised of numerous areas of its proposal needing amplification. The record also shows that many of those same areas remained relevant weaknesses under the revised evaluation terms, and the proposal reasonably was downgraded for lack of detail in these areas. See Uniband, Inc., B-289305, Feb. 8, 2002, 2002 CPD ¶ 51 at 11. The protester also generally contends that two weaknesses reported at its debriefing were not mentioned during discussions; as the agency reports, however, the weaknesses were first introduced in the firm's revised proposal and thus would not have been a matter for the earlier discussions. See Intertec Aviation, B-239672.4, 1991, 91-1 CPD ¶ 348 at 6.