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**Comptroller General
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**United States Government Accountability Office
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Decision

Matter of: MicroTechnologies, LLC

File: B-403713.6

Date: June 9, 2011

Timothy Sullivan, Esq., and Katherine S. Nucci, Esq., Thompson Coburn, LLP, for the protester.

Robert A. Russo, Esq., Frank V. DiNicola, Esq., Desiree A. DiCorcia, Esq., Department of Veteran's Affairs, for the agency.

Mary G. Curcio, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency used unstated evaluation criteria in evaluating offerors' responses to sample task orders is denied where agency consideration of whether responses addressed the specific tasks necessary for successful performance of the overall sample tasks was reasonably related to the stated evaluation criteria for understanding of the problems regarding, and feasibility of approach to, the sample tasks.

DECISION

MicroTechnologies, LLC (Microtech), of Vienna, Virginia, protests the elimination from the competitive range of the proposal it submitted in response to the Department of Veterans Affairs (VA) request for proposals (RFP) No. VA-118-10-RP-0052, for information technology (IT) services. Microtech asserts that the agency miscalculated its proposal.

We deny the protest.

The solicitation provided for award of up to 15 contracts on a "best value" basis considering the following factors: technical (with subfactors for sample task orders (STO) and management), past performance, veterans involvement, small business participation commitment, and price. RFP § M.2.A. The agency received more than 90 proposals, including 1 from Microtech. Microtech's proposal, with an evaluated price of \$ 7.952 billion, was rated acceptable for the technical factor and each subfactor, low risk for past performance, acceptable for small business participation, and full credit for veterans involvement. VA determined that Microtech's proposal

was not one of the most highly rated, and on this basis did not include the proposal in the competitive range. Upon being debriefed by the agency, Microtech filed this protest, asserting that the agency used unstated evaluation criteria and otherwise unreasonably evaluated its proposal.

Unstated Evaluation Criteria

The solicitation included three sample task orders (STO 1, STO 2, and STO 3), the responses to which were to be evaluated as follows:

The Sample Tasks are designed to test the offeror's expertise and innovative capabilities to respond to the types of situations that may be encountered in performance. . . Accordingly, the offerors will not be given an opportunity to correct or revise a sample task response. The evaluation of each sample task will consider the following:

(1) Understanding of Problems--The proposal will be evaluated to determine the extent to which the offeror demonstrates a clear understanding of all features involved in solving the problems and meeting the requirements presented by the sample task; and the extent to which uncertainties are identified and resolutions proposed.

(2) Feasibility of Approach--The proposal will be evaluated to determine whether the offeror's methods and approach to meeting the sample task requirements provided the Government with a high level of confidence of successful completion. The evaluation will also consider the realism of the labor categories being proposed in the offeror's response to the sample tasks.

RFP § M.2.C.

Microtech was rated acceptable for STOs 1 and 2, but unacceptable for STO 3 (Data Center Consolidation). Microtech asserts that the agency used unstated evaluation criteria in evaluating its response to STO 3. Specifically, Microtech notes that for each STO the agency compiled a list of task areas and subtasks that an offeror was required to address to receive evaluation credit.

The solicitation required offerors under STO 3 to design, develop, and implement a consolidation and/or relocation of IT services, including databases, files shares and applications, which were currently located at 30 distributed computer rooms. The overall goals were to standardize the IT infrastructure; insure continuity of operations in the event of a disaster; standardize IT operations; and improve end-user experience. In responding to STO 3, offerors were required to describe how they would execute all tasks, and to provide high level architectural diagrams, a project plan, an overall migration plan for all three categories (database, application and file

shares), a description of necessary documentation, and a list of the required labor categories. RFP § J, attach. 15, Sample Task 3--Data Center Consolidation.

As part of its evaluation of offerors' STO responses, the agency prepared a list of key focus and lower level focus areas that it believed an offeror would have to address to demonstrate that it understood the task and had a feasible approach to solving it. With respect to STO 3, the agency considered the following key focus and lower level focus areas: technical solution design (understanding technical requirements, integrated solution, space/environmental, systems, and site application assessment method); mechanical solution implementation (selected technologies, high availability design, disaster recovery solution, scalable solution, systems & data security, and technical reference model policies and standards); project planning and implementation (sufficient detail regarding necessary phases, testing plan, migration/implementation plan, communications plan, project monitoring plan, support transition plan, operations plan/post go-live support, organizational breakdown structure and staffing schedule, and personnel & data security); and project documentation (high level architectural diagrams, project plan, migration plan, sufficient detail, and additional documents typically necessary). Technical Factor Ratings at 7-9. The agency asserts that the above considerations were related to the stated evaluation criteria and thus were properly considered.

While solicitations must inform offerors of the basis for proposal evaluation, and the evaluation must be based on the factors set forth in the solicitation, Federal Acquisition Regulation § 15.304, agencies are not required to specifically list every area that may be taken into account, provided such areas are reasonably related to or encompassed by the stated criteria. AIA-Todini-Lotos, B-294337, Oct. 15, 2004, 2004 CPD ¶ 211 at 8.

Here, we find that the key focus and lower level focus areas that the agency considered in evaluating STO 3 responses were reasonably related to or encompassed by the stated criteria and thus were not improper unstated evaluation criteria. As noted, the solicitation provided that an offeror's response to the sample task would be evaluated to determine whether the offeror understood the problem and had a feasible approach to solving it. RFP at 99-100. Understanding and feasibility of approach, however, are not factors that can be evaluated on their own, without reference to the work to be accomplished. In this regard, the solicitation further instructed offerors to describe how they would execute all tasks necessary for the effort. RFP § J, attach. 15, Sample Task 3--Data Center Consolidation. It follows then, that offerors were on notice that, in evaluating understanding and feasibility of approach, the agency would consider the tasks it believed were necessary to perform the sample task. Microtech has furnished no basis to conclude that such areas considered by the agency as technical solution design; space, environment and systems used; and technical data implementation, including the selected technologies and security, were not reasonably related to performing the third sample task. Likewise, we agree with VA that the agency's consideration of

the offeror's project monitoring plan, organizational breakdown work structure, and staffing approach were reasonably encompassed by the solicitation requirement to provide a project plan identifying all phases, milestones, and timeframes for the project. In sum, we find that Microtech has not demonstrated that the agency evaluation relied on unstated evaluation criteria.

Unreasonable Evaluation

Microtech, however, further asserts that even apart from the issue of unstated criteria, the evaluation of its proposal was unreasonable. In this regard, Microtech challenges the agency's conclusion that there were multiple deficiencies in its proposal under each of the STOs, the management subfactor, and the rating assigned to the small business participation factor. Where an agency's evaluation is challenged, we will consider whether the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. Preferred Sys. Solutions, B-291750, Feb. 24, 2003, 2003 CPD ¶ 56 at 2. We have examined the record and we find that the evaluation was reasonable.

For example, with respect to STO 3, Microtech asserts that the agency failed to consider its efficient approaches to data center layout, its use of **[DELETED]**, and its use of **[DELETED]**. The record, however, demonstrates otherwise. Regarding data center layout, the agency recognized that Microtech proposed to [deleted], but it explains that Microtech did not indicate what data it would collect, how the data would be used to create an efficient center layout, or whether it would follow current data center practices such as hot aisle/cold aisle, hot aisle containment or in row cooling technologies to remove heat from the data center equipment. Agency Report at 16. Similarly, the agency notes that while Microtech's proposal indicated that the protester would use [deleted], and discussed some potential benefits of [deleted], it did not detail how [deleted] would be used to address the problems presented by STO3. Id. at 17. The agency explains that the lack of detail and explanation in the proposal prevented the agency from evaluating whether Microtech fully understood the problem and had a feasible approach to addressing it.

While Microtech asserts that it was not aware from the solicitation that detail was required, we have previously recognized that the detail provided in response to a STO is a legitimate consideration in assessing an offeror's understanding and proposed solution. Trellclean, U.S.A., B-213227.2, June 25, 1984, 84-1 CPD ¶ 661 at 8. Further, since an agency's evaluation is dependent on the information furnished in a proposal, it is the offeror's responsibility to submit an adequately written proposal for the agency to evaluate. Id. An offeror that fails to do so runs the risk that its proposal will be evaluated unfavorably. Recon Optical, Inc., B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6. Here, the agency determined that there was insufficient detail to demonstrate Microtech's understanding of the STO 3 problem

and the merits of its proposed solution. Microtech has not shown this conclusion to be unreasonable.

The protest is denied.

Lynn H. Gibson
General Counsel