



United States Government Accountability Office corporate experience  
Washington, DC 20548

## Decision

**Matter of:** Carolina Satellite Networks, LLC; Nexagen Networks, Inc.

**File:** B-405558; B-405558.2; B-405558.3

**Date:** November 22, 2011

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### DIGEST

Agency reasonably rejected proposals for satellite services as unacceptable where they did not adequately respond to the specific requirements identified in the solicitation.

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### DECISION

Carolina Satellite Network, LLC, of Stuart, Virginia, and Nexagen Networks, Inc., of Marlboro, New Jersey, protest the rejection of their proposals under request for proposals (RFP) No. QTA-010-CTA-0010, issued by the General Services Administration (GSA) for provision of end-to-end solutions for the satellite service needs of agencies across the federal government.<sup>1</sup> The protesters challenge the agency's evaluation of their respective proposals.

We deny the protests.

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<sup>1</sup> End-to-end solutions consist of any combination of fixed or mobile satellite services components, and/or services enabling components such as terminals, teleports, and terrestrial interface service ports. Contracting Officer's (CO) Statement ¶ 3; RFP, §§ C.2.2, C.2.4.

## BACKGROUND

The RFP provided for the awards of multiple fixed-price indefinite-delivery, indefinite-quantity type contracts, for a 3-year term with two 1-year options. The RFP was issued as a small business set-aside.

The RFP provided that proposals must contain four volumes: Technical Management Approach, Corporate Experience, Past Performance, and Price. RFP, amend. 7, § L.21. Offerors were informed that the agency intended to evaluate proposals and award a contract without discussions, and, therefore, the initial proposal should contain the offeror's best terms from a price and technical standpoint. RFP, amend. 7, § L.5. Offerors were also advised to present information in sufficient detail to enable the evaluators to thoroughly understand the offeror's responses, and that the detail should require no reference to other volumes or material outside the proposal. RFP, amend. 7, § L.21.

The evaluation factors were: technical management approach, corporate experience, past performance and price. The technical management approach and corporate experience factors were equal in importance and each was more important than the past performance factor. The combined weight of the three non-price factors was significantly more important than price. RFP, amend. 5, § M.1.5. In order to be eligible for award, an offeror could not receive a rating of unacceptable under the technical management approach or corporate experience factor. RFP, amend. 5, § M.1.

The RFP instructed offerors to address three sample task orders (STO) in the technical management approach volume: (1) satellite internet protocol services, (2) continuity of operations (COOP) services, and (3) satellite systems engineering and technical support services. Offerors were to address the specific technical requirements outlined in each STO, determining the amount of bandwidth, frequency band, and any required service enabling devices needed, stating all assumptions, and providing a complete solution to the STOs. RFP, amend. 7, § L.21.1.

For the technical management approach factor, offerors were informed that the evaluation would consider the offeror's response to each STO to determine the extent to which the offeror's approach demonstrated an understanding of the scope and complexity of the requirements. Offerors were also advised that their approach to implementing, performing, and managing the three STOs would be evaluated. The RFP further stated that evaluators would assign strengths and weaknesses based upon the offeror's ability to address specific criteria listed in the STO criteria tables. However, the RFP did not anticipate the use of adjectival ratings to assess responses to the individual STOs. Rather, a single adjectival rating was to be assigned for the overall technical management approach factor, using documented strengths and

weaknesses developed during the evaluation.<sup>2</sup> A weakness for the same attribute in more than one STO response was to be considered a significant weakness. RFP, amend. 5, § M.2.

The RFP also provided a detailed method for demonstrating corporate experience. Specifically, offerors were instructed to

Demonstrate[] experience within the past three (3) years delivering Satellite Professional Support Services, the six Required COMSATCOM End-to-End Solution Types and nine . . . Required COMSATCOM End-to-End Solution Attributes described in Section C [and identified in this section].

RFP, amend. 7, § L.21.2.1. In Section C, the RFP described specific information to be included concerning each solution type<sup>3</sup> and attribute.<sup>4</sup> The RFP further stated that an offeror “shall demonstrate its capability to provide solutions of the scope herein, aligning with each of the . . . Solution types.” RFP § C.2.4.4. A sample chart was provided that listed the criteria and standards for each solution type and attribute. RFP, amend. 5, § M.3.

Eighteen offerors, including Carolina and Nexagen, responded to the RFP. The agency’s source selection evaluation board (SSEB) evaluated the initial proposals and, based upon the SSEB’s recommendation, the CO decided upon a competitive range consisting of the most highly-rated proposals. Carolina’s and Nexagen’s proposals were not included in the competitive range because they were found unacceptable.

The SSEB found weaknesses in Carolina’s responses to both STO #1 and STO # 2 for numerous identical attributes. Carolina AR, Tab 8, SSEB Evaluation Report of Carolina Proposal, at 4-7. Therefore, these weaknesses were considered to be significant weaknesses. RFP § M.2. Based on this evaluation, the contracting officer rated Carolina’s proposal as unacceptable under the technical management

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<sup>2</sup> The possible ratings were superior, acceptable, marginal and unacceptable.

<sup>3</sup> For example, section C.2.4.1 COMSATCOM End-to-End Solution Types, included, but were not limited to, various combinations of bandwidth, throughput, terminals, other user equipment, teleports, tail circuits, networks, other terrestrial infrastructure, integration and engineering services, installation, operations, and maintenance. RFP § C.2.4.1.

<sup>4</sup> Solution attributes included such things as information assurance, responsiveness, portability, and flexibility/optimization. RFP §§ C.2.5.1 – C.2.5.4.

approach factor. CO Statement for Carolina Protest ¶ 14. Carolina was thus ineligible for award.

The SSEB rated Nexagen's proposal unacceptable under the corporate experience factor. The SSEB found that while Nexagen gave detailed information in its corporate experience volume for only one of the eight solution attributes, and did not provide any such information for any of the six solution types. The SSEB therefore determined that Nexagen had unacceptable experience under this factor. Nexagen AR, Tab 8, SSEB Evaluation Report of Nexagen Proposal, at 14. As a result, Nexagen was ineligible for award.

Both Carolina and Nexagen requested and received a written debriefing, and thereafter filed protests.

## DISCUSSION

Both protesters argue that their proposals were unreasonably found to be unacceptable.<sup>5</sup> The evaluation of an offeror's proposal is a matter largely within the agency's discretion. Frontline Healthcare Workers Safety Found., Ltd., B-402380, Mar. 22, 2010, 2010 CPD ¶ 91 at 5. An offeror has the burden of submitting an adequately written proposal, and it runs the risk that its proposal will be evaluated unfavorably when it fails to do so. Recon Optical, Inc., B-310436, B-310436.2, Dec. 27, 2007, 2008 CPD ¶ 10 at 6. Our Office will not reevaluate proposals, but will review an agency's evaluation and exclusion of a proposal from the competitive range for reasonableness and consistency with the solicitation criteria and applicable statutes and regulations. Cylab Inc., B-402716, July 13, 2010, 2010 CPD ¶ 163 at 4.

Carolina challenges the reasonableness of three of the four significant weaknesses found in its proposal.<sup>6</sup> For example, with respect to its engineering support approach, Carolina alleges that while it may not have addressed specific

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<sup>5</sup> The protesters make numerous allegations and arguments about the different weaknesses the SSEB found in their proposals. While we have considered all of the arguments, and conclude that none of them provide a basis to sustain the protests, we address only a couple of examples.

<sup>6</sup> Carolina does not challenge the significant weakness assigned its proposal for its response to the prepared service plan. In this area, the SSEB found that Carolina failed to clearly define a set of risks for the overall task, did not present a plan to identify risks, and did not describe how such risks would impact the government's operation in the field, or how it intended to mitigate risks. Carolina AR, Tab 8, SSEB Evaluation Report on Carolina Proposal, at 5.

requirements in one section, its rationale could have been gleaned from other sections of its responses. Protest at 3. Carolina's argument is without merit. Offerors bear the burden of submitting an adequately written proposal and contracting agencies evaluating one section of a proposal are not required to go in search of additional information that an offeror has omitted or failed to adequately present. Keystone Sealift Servs., Inc., B-401526.3, Apr. 13, 2010, 2010 CPD ¶ 95 at 4; Sam Facility Mgmt., Inc., B-292237, July 22, 2003, 2003 CPD ¶ 147 at 5.

The SSEB found that Carolina provided only cursory analyses and statements about its engineering support approach, but did not offer any detailed reasons for these statements. The SSEB noted that although Carolina stated that it had made some assumptions, it described those assumptions in a superficial fashion. For example, Carolina did not explain why certain bandwidths were required, how its numbers translated into particular bandwidths, or how it engineered its solution. Carolina AR, Tab 8, SSEB Evaluation Report on Carolina Proposal, at 7. In our view, the agency was not required to make assumptions about what Carolina did not state in its proposal. See, e.g., Mike Kessler Enter., B-401633, Oct. 23, 2009, 2009 CPD ¶ 205 at 3-4 (agency reasonably determined that protester's proposal did not provide sufficient detail and was technically unacceptable where proposal lacked clear and consistent language and information necessary to determine if the proposal would function as proposed). Thus, we think that the agency's assessment of this significant weakness was reasonable, and provided a permissible basis for determining that Carolina's proposal was unacceptable.<sup>7</sup>

Turning next to Nexagen's challenges to the SSEB's conclusion that the Nexagen proposal was unacceptable under the corporate experience factor, Nexagen argues that it adequately--albeit concisely--addressed the six solution types and nine solution attributes. Nexagen's Comments at 3. The RFP informed offerors of the specific and detailed requirements for each solution type and attribute. RFP §§ C.2.3-C.2.5; § J, attach. J-6; amend. 7, § L.21.2; amend. 5, § M.3. However, the SSEB concluded that Nexagen primarily provided general statements indicating that it had participated in and supported particular activities, and that its personnel had experience with certain tasks. Nexagen AR, Tab 8, SSEB Evaluation Report of Nexagen Proposal, at 18-29. With respect to each solution type and attribute, the SSEB noted that instead of citing specific examples of where Nexagen had been responsible for providing complete COMSATCOM end-to-end solutions, it appeared that Nexagen only provided support, training and maintenance services for others. Id.

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<sup>7</sup> The fact that Carolina disagrees with the agency's judgment in its evaluation does not establish that the evaluation was unreasonable. VT Griffin Servs., Inc., B-299869.2, Nov. 10, 2008, 2008 CPD ¶ 219 at 4.

We find from our review of Nexagen's corporate experience proposal that the SSEB reasonably found that Nexagen provided only general descriptions of its experience providing professional support to others, and not the detailed information required by the RFP to demonstrate relevant corporate experience. For example, in the area of continuity of operations services, an offeror was required to demonstrate its capability to provide complete, customized engineering solutions to support COMSATCOM end-to-end solutions. These customized solutions could include unique combinations of bandwidth, throughput, terminals, teleports, tail circuits, networks, integration and engineering services, installation, operations, and maintenance. RFP §§ C.2.4.1, C.2.4.4.2. However, Nexagen provided only a short response that noted that it had "been providing critical infrastructure support to the Warfighter Information Network-Tactical," and then generally described the network system. Nexagen AR, Tab 7, Nexagen Proposal, vol. II, at 5.<sup>8</sup> In conclusion, we find reasonable the agency's determination that Nexagen's corporate experience was unacceptable.

Based on our review, and given our conclusion that the agency reasonably found these proposals unacceptable, we see nothing improper about the contracting officer's decision to exclude both of the proposals from the competitive range.

The protests are denied.

Lynn H. Gibson  
General Counsel

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<sup>8</sup> Nexagen claims that the agency could have the relevant information in its separate past performance volume. Protest at 13. However, the RFP instructed offerors to present information in each volume in sufficient detail to enable evaluators to thoroughly understand the offeror's response without reference to other volumes or outside material. RFP, amend. 7, § L.21. An agency is not required to search other volumes of an offeror's proposal for information bearing on identified weaknesses. Hi-Tec Sys., Inc., B-402590, B-402590.2, June 7, 2010, 2010 CPD ¶ 156 at 3.