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**Comptroller General
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**United States Government Accountability Office
Washington, DC 20548**

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Decision

Matter of: Trinity Technology Group, Inc.

File: B-403210

Date: September 23, 2010

Brian A. Darst, Esq., Odin Feldman Pittleman PC, for the protester.
Paul F. Khoury, Esq., and Brian G. Walsh, Esq., Wiley Rein LLP, for ManTech Security & Mission Assurance, an intervenor.
Barry C. Hansen, Esq., John E. Thompson, Esq., and Richard Sudder, Esq., Department of Justice, for the agency.
Paul E. Jordan, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency reasonably assigned weaknesses in evaluating protester's quotation based on proposal of unqualified personnel as likely performers of security incident work and lack of proposed entry-level personnel for routine work.
 2. Based on totality of other weaknesses in protester's quotation and technical superiority of successful vendor's quotation, protester was not prejudiced by agency error in assigning weakness that was based on unreasonable assumption that vendor intended to perform sensitive work offsite.
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DECISION

Trinity Technology Group, Inc., of Fairfax, Virginia, protests the issuance of a task order to ManTech Security & Mission Assurance, of Falls Church, Virginia, under request for quotation (RFQ) No. DJJI-10-RFQ-0550, issued by the Department of Justice (DOJ) for support of security program support services for the Executive Office for United States Attorneys (EOUSA). Trinity challenges the evaluation of its proposal.

We deny the protest.

The EOUSA provides general executive assistance to the 94 U.S. Attorneys' Offices throughout the country, and its security programs staff is responsible for managing and coordinating security programs for these offices. The RFQ sought quotations to provide trained, experienced staff to provide support for the following objectives--

personnel, physical, information, operations, and communications security; emergency and threat management; occupational safety and health; program assistance; and budget analysis.

The RFQ, limited to vendors holding General Services Administration Federal Supply Schedule contracts, contemplated issuance of a time and materials task order--on a "best value" basis--for a base year, with 4 option years. Quotations were to be evaluated for price and technical merit, which was comprised of three weighted subfactors--technical approach (50 of 100 available points), staffing (30 points), and corporate experience (20 points). Technical merit was significantly more important than price.

Three vendors, including Trinity and ManTech, submitted quotations. After the quotations were evaluated by a technical evaluation panel (TEP), discussions were opened and Trinity was asked some 21 questions covering all three subfactor areas. After reviewing the vendors' responses, the agency issued follow-up discussion questions to each vendor. The TEP reviewed the vendors' final quotation revisions and assigned the following consensus evaluation scores:

	Trinity	ManTech	Vendor 3
Technical Approach	35	45	45
Staffing	18	30	21
Corporate Experience	12	18	12
Total	65	93	78
Evaluated Price	\$14,068,482	\$17,150,967	\$16,474,381

The TEP found that ManTech's technical superiority justified payment of a higher price. Thereafter, the contracting officer, as source selection authority, determined that ManTech's quotation was the best value and issued it the task order. After receiving notice of the selection, Trinity filed this protest.

Trinity challenges 11 of the 13 weaknesses assigned to its quotation under the three technical merit subfactors. In reviewing protests relating to an agency's evaluation of quotations or proposals, we will not independently reevaluate proposals; rather, we will review the record to ensure that the agency's evaluation was consistent with the terms of the solicitation and applicable statutes and regulations. Engineered Elec. Co. d/b/a/ DRS Fermont, B-295126.5, B-295126.6, Dec. 7, 2007, 2008 CPD ¶ 4 at 3-4. Mere disagreement with the agency's evaluation is not sufficient to call an evaluation into question. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7. We have considered all of Trinity's assertions and find they are either without merit or did not result in competitive prejudice. We discuss several of Trinity's arguments below.

PROPOSAL OF ADMINISTRATION SPECIALISTS¹

Among the statement of work (SOW) objectives to be accomplished under the RFQ was program assistance (PA). This objective was identified as encompassing a wide variety of support to the security programs staff section chiefs, and was described as “primarily administrative in nature and extremely critical to the management of the Security Programs Staff security disciplines.” RFQ at 4. PA covers six areas, including support of security program planning, development, management, and monitoring activities, along with assistance in and execution of budget and project tracking initiatives. RFQ ¶ 2.2.9(a).

In its initial quotation, Trinity simply listed various ¶ 2.2.9 PA tasks among other administrative tasks under its discussion of personnel security, which was a separate SOW objective (RFQ ¶ 2.2.1). In discussions, the TEP expressed concern that PA work would be restricted to the personnel security area, and asked that Trinity address how the items in ¶ 2.2.9 would be accomplished. In response, Trinity addressed most of the ¶ 2.2.9 areas, with the exception of ¶ 2.2.9(f) (support of program management functions). With regard to ¶ 2.2.9(a), Trinity noted that it would provide “experienced security professionals” and would use the experiences of its “entire security team” to provide support. Trinity Initial Question Response at 3.

In the second round of discussions, the TEP found that Trinity still had “not clearly addressed” the majority of ¶ 2.2.9 and again requested more detail. Revised Quotation Issues, Question 2. In its final response, Trinity provided more detail as to the same PA areas, but again failed to address ¶ 2.2.9(f). As to ¶ 2.2.9(a), Trinity noted that its experienced “security professionals” would perform “this function,” and as part of that function proposed—for the first time—a security incident reporting process that included (upon notice of a security incident) bringing affected classified and sensitive information, data, or equipment under complete control, and notifying the appropriate security official. Trinity Final Question Response at 3.

The TEP evaluated the proposed incident reporting as a significant weakness on the basis that Trinity appeared to be proposing to perform the task with unqualified “administration specialist” personnel instead of personnel with a strong background in the specific affected areas; it concluded that this could be “counterproductive or even damaging.” TEP Report at 11-12. Trinity asserts that the agency’s finding was erroneous, since it did not propose the use of its “administration specialists” personnel for this function; rather, it proposed its security professionals and its team, which includes personnel qualified to handle security incidents.

¹ The TEP referred to these specialists as “administrative assistants” in its evaluation, but it is clear from the record that they were referring to Trinity’s proposed personnel category “administration specialists.”

The evaluation was unobjectionable. While Trinity did not specifically propose to use its “administration specialists” for this work, its quotation did not make clear what qualified personnel would be assigned. In this regard, the TEP considered Trinity’s identification of its assigned personnel as “security professionals” and as its “team” to be a generic reference to any of its proposed personnel. Supplemental Agency Report at 6. This interpretation was consistent with Trinity’s quotation, which did not define “security professionals,” and elsewhere used that term in a generic context. *See, e.g.,* Trinity Quotation at 17 (“security professionals” used in context of all personnel apart from management personnel). The TEP thus turned to Trinity’s personnel matrix, which included five administration specialists as the personnel matched with the relevant PA objective.² Trinity itself concedes that these specialists’ job descriptions do not reasonably suggest that they are experienced security personnel. Trinity Initial Comments at 8. Trinity was responsible for ensuring that its quotation provided complete information as part of an adequately written proposal. *See Carlson Wagonlit Travel*, B-287016, Mar. 6, 2001, 2001 CPD ¶ 49 at 3. Under these circumstances, the TEP could reasonably conclude that Trinity had proposed to use unqualified personnel to perform this additional task; there thus is no basis to question its assigning the quotation a significant weakness.³

LACK OF ENTRY-LEVEL PERSONNEL

Another SOW objective provided for performance of tasks related to personnel security, including assisting in preliminary and final reviews of personal history data prior to background investigations, reviewing background investigations, conducting interviews, and providing administrative support. RFQ ¶ 2.2.1. Under the staffing plan factor, the agency evaluated each vendor’s proposed staffing mix; the demonstrated experience and expertise of the vendor’s proposed personnel; and the demonstrated ability to recruit, train, and retain highly qualified personnel. RFQ ¶ 9.2.1. Of its [deleted] proposed personnel for these tasks, Trinity identified security specialists at [deleted]. Trinity Quotation at 29. In discussions, the TEP

² Trinity’s quotation specifically matched the other nine SOW objectives with relevant security personnel. For example, Trinity’s matrix identified specific “security specialists” of different levels to perform the SOW categories of personnel security specialist and physical security specialist. Trinity Quotation at 29-30.

³ Even if the TEP had considered “security professionals” as indicating greater qualifications, the quotation did not specify which of these “professionals” or other “team” members would be assigned to perform the incident reporting task. Likewise, even though one of the administration specialists had personnel security experience (recognized as a strength by the TEP), the quotation did not indicate that this potentially qualified specialist would actually be performing the task.

expressed concern that Trinity had not proposed any entry-level personnel for the work, and Trinity responded that it did not propose entry-level personnel because its goal was to provide the most experienced and qualified candidates. Trinity Initial Question Response at 7.

In the second round of discussions, the TEP explained its concern with the lack of entry-level personnel, including the resultant need to pay experienced personnel for everyday routine tasks in the program area, and the fact that the work would not be challenging to seasoned specialists, potentially leading to dissatisfaction with their position. Revised Quotation Issues, Question 9. In its response, Trinity maintained that a combination of [deleted] specialists was appropriate based on its experience that lower level, inexperienced personnel tended to create a risky “revolving door” situation as they obtained experience and began seeking salary increases. Trinity Final Question Response at 10-11. Trinity explained that it was sensitive to its staff’s compensation and noted that its retention rate was 98% over the past 3 years. *Id.* at 11.

The TEP assigned a strength to Trinity’s quotation based on its highly experienced personnel security staff and high staff retention rate, but assigned a weakness based on the failure to include staff below the [deleted] level. TEP Report at 13. As to the weakness, the TEP observed that, historically, there had been entry-level work requirements and entry-level positions, and reiterated its concerns regarding paying experienced personnel for routine work and dissatisfied workers. *Id.* at 13-14. Trinity asserts that the weakness is unreasonable and inconsistent with the related strengths. In Trinity’s view, the TEP ignored its rationale for using higher level personnel and its high retention rate, and unreasonably relied instead on historical assumptions. Trinity Initial Comments at 25-26.

The evaluation was reasonable. The agency did not ignore Trinity’s explanation for proposing more experienced personnel; rather, it determined that proposing qualified personnel with a high retention rate represented both a strength and a weakness. As noted, staffing mix and ability to retain personnel were to be evaluated, and we think considering the proper fit between the work and the proposed personnel—including whether proposed personnel were essentially over-qualified—clearly was encompassed by these considerations. Trinity does not dispute that the personnel security work involved some routine work, and we think the agency reasonably could be concerned that exclusively using higher-level personnel for routine work would result in unnecessary, higher costs and potential job dissatisfaction. Even though Trinity reported a high retention rate—for which its proposal received credit—it did not indicate that this rate reflected the use of upper-level staff to perform routine, entry level work on a regular basis. Further, in reaching its evaluation conclusions, there was nothing improper in the TEP’s considering its historical experience. See *Marine Animal Prod., Int’l, Inc.*, B-247150, July 13, 1992, 92-2 CPD ¶ 16 at 10 (agency need not accept at face value an offeror’s

technical proposal that is inconsistent with agency's own experience). We conclude that the agency reasonably assigned Trinity's quotation a weakness on this basis.

OFF-SITE REVIEW OF WHITE PAPERS

As part of the program assistance objective under the SOW, the vendor would be required to prepare security white papers and program documents, including program justifications, implementation plans, and monthly status reports. RFQ ¶ 2.2.9(d). In its final quotation revision, Trinity noted that its project manager (PM) (who works offsite) and task manager (who works onsite) would "review all products prior to submission for quality assurance." Trinity Final Question Response at 5. The TEP assigned a weakness under the technical approach subfactor because white paper and program documents contain "intimate knowledge of the operations, strengths and vulnerabilities" of agency offices, and Trinity's quotation did not address the offsite handling, transmittal, storage, or disposal of this sensitive information. TEP Report at 11-12.

Trinity asserts that assignment of this weakness was unreasonable because it did not propose for its PM to review documents offsite. We agree. In describing the responsibilities of its PM and task manager, Trinity's quotation specifically provided that the task manager would provide the initial quality control reviews for deliverables, and that the PM would

conduct daily visits to DOJ, collaborating with [the] (Task Manager) in quality control reviews of the operational program support areas as delineated in the SOW. He will spend as much time as necessary on site interfacing with the [contracting officer's technical representative], Task Manager and Trinity team members.

Trinity Final Question Responses at 9. Elsewhere, Trinity's quotation specifically addressed the handling of classified data, industrial security, information security, and for official use only designated materials, including its planned compliance with all government security requirements and regulations in safeguarding classified data. Trinity Quotation at 22-23. Under these circumstances, the TEP unreasonably assigned this weakness by focusing solely on the PM's offsite duty station, and by ignoring the clear proposal that he would be onsite daily, working with the task manager to perform quality reviews--the very work the TEP inferred he would perform offsite.

However, even though this aspect of the evaluation was unreasonable, we find that Trinity was not competitively prejudiced. Trinity's evaluation under the technical approach subfactor was based on seven weaknesses, and an additional six weaknesses were assigned under the other two evaluation subfactors. This being the

case, there is no basis on this record to believe that eliminating a single weakness would change the overall evaluation of Trinity's quotation or the source selection.⁴ In this regard, the RFQ provided that technical merit was significantly more important than price, and the best value recommendation recognized that ManTech's quotation was significantly stronger than Trinity's (93 points overall compared to Trinity's 65 points overall) and presented no potential risks. Thus, we conclude that the agency's error in this area does not bring the overall evaluation or selection decision into question. See Joint Mgmt. & Tech. Servs., B-294229, B-294229.2, Sept. 22, 2004, 2004 CPD ¶ 208 at 7 (prejudice is an essential element of every viable protest).

The protest is denied.

Lynn H. Gibson
Acting General Counsel

⁴ In a related argument, Trinity maintains that the agency's best value determination was unreasonable in light of the alleged evaluation errors. Since we have found no prejudicial evaluation errors, there is no basis for questioning the best value determination. Trinity also asserts that the record lacks any evidence that the agency performed a best value determination in accordance with the Federal Acquisition Regulation. However, this ground of protest was based on Trinity's review of the task order notice and of a redacted version of the best value recommendation. Since nothing in these documents indicates that the agency failed to perform a proper best value determination--in fact, they indicate that the agency did perform a tradeoff, weighing technical merit against price differences--Trinity's speculation to the contrary fails to state a valid basis of protest. All Phase Servs., Inc., B-294640, B-294640.2, Dec. 1, 2004, 2005 CPD ¶ 129 at 7.