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Decision

Matter of: Missing Link Communications, LLC d/b/a Missing Link Security

File: B-420288.2; B-420288.3; B-420288.4

Date: May 27, 2022

Elizabeth N. Jochum, Esq., Samarth Barot, Esq., and Amanda C. DeLaPerriere, Esq., Blank Rome LLP, for the protester.

Denis R. Hurley, Esq., Williams & Connolly LLP, for MindPoint Group, LLC, the intervenor.

Eric C. Crane, Esq., Department of the Treasury, for the agency.

Kasia Dourney, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging evaluation of the protester's key personnel is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.
 2. Protester is not an interested party to challenge the evaluation of quotations and resulting award decision where the protester fails to demonstrate that it would have a substantial chance of receiving an award if our Office were to sustain its protest.
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DECISION

Missing Link Communications, LLC, doing business as Missing Link Security (MLS), a service-disabled veteran-owned small business of Manassas, Virginia, protests the award of a contract to MindPoint Group, LLC, of Alexandria, Virginia. MLS challenges the award to MindPoint under request for quotations (RFQ) No. 2031JW21Q00089, issued by the Department of the Treasury, Office of the Comptroller of the Currency (OCC) for cyber defense, engineering, and risk management support services. The protester challenges the agency's evaluation of quotations, and the resulting award decision.

We deny the protest in part, and dismiss in part.

BACKGROUND

On May 6, 2021, the agency issued the RFQ under the General Services Administration's federal supply schedule (FSS) procedures of Federal Acquisition Regulation (FAR) subpart 8.4, to vendors holding an Information Technology-Information Technology Services multiple award schedule contract, special item number (SIN) 54151, highly adaptive cybersecurity services.¹ AR, Tab A, RFQ at 72; COS at 849.² The solicitation was set aside for small businesses, and anticipated award of a single, hybrid fixed-price and labor-hour task order for a base year and four 1-year option periods. RFQ at 2-7, 39.

The RFQ advised that award would be made on a best-value tradeoff basis, considering price and the following evaluation factors, in descending order of importance: (1) technical approach; (2) corporate experience; (3) key personnel; and (4) past performance. *Id.* at 77. The non-price factors, when combined, were significantly more important than price. *Id.*

As relevant here, the solicitation identified one key personnel position, program manager, and included minimum skill and experience qualifications for the position. *Id.* at 30-31. The proposed program manager was required to have:

A bachelor's degree from an accredited college and at least eight (8) years of concurrent experience in program and project management supporting information security or cybersecurity projects for the Federal Government. Project Management Professional (PMP) certification [was also] required.

Id. The solicitation instructed that the program manager's resume, which was to be limited to two pages, "must clearly describe the specialized work experience of the individual, to include job title and dates of employment." *Id.* at 75. Further, each job description had to:

- Provide the name of the employer;
- The total period of employment with the employer;
- Position description or labor category and the duration of the assignment, including month and year; and
- Major customer(s) and program(s) served on the assignment.

¹ This is a "follow-on" procurement to two task orders performed by VariQ Corporation and MLS, respectively. Agency Report (AR), Tab M, Contracting Officer's Statement (COS) at 849.

² All citations throughout the decision are to the Bates numbers provided by the agency.

Id. at 76-77. The RFQ cautioned that if it was “not possible to determine from the resume details how the minimum qualifications are met, the resume may receive an unfavorable evaluation.”³ *Id.*

The solicitation also provided that the contracting officer may “obtain additional information from, and negotiate with [a vendor who represents the best value] to improve the terms of the deal reflected in its quot[ation].” *Id.* at 77-78.

OCC received quotations from 23 vendors, including from MLS and MindPoint, by the June 15, 2021 due date for receipt of quotations. COS at 851. After evaluating quotations, the agency concluded that MindPoint represented the best value to the government, and on September 29, awarded the task order to that firm. *Id.* at 853.

On October 12, 2021, MLS filed a protest with our Office, challenging the agency’s evaluation of the awardee’s and its own quotations, and the best-value tradeoff decision. Protest (B-420288) at 8-19. On November 2, the agency advised our Office that it intended to take corrective action by reevaluating quotations and making a new award. Notice of Corrective Action & Req. for Dismissal at 1. On the basis of the proposed corrective action, our Office dismissed the protest as academic. *Missing Link Commc’ns, LLC d/b/a Missing Link Sec.*, B-420288, Nov. 5, 2021 (unpublished decision).

During the reevaluation, the contracting officer, who was also the source selection authority (SSA) for this procurement, conducted an independent review and reevaluation of the four quotations with adjectival ratings of moderate or high. AR, Tab B, SSD at 459. As a result of the reevaluation, the SSA found MLS ineligible for award, concluding that MLS “failed to demonstrate that its key personnel met the minimum requirements of RFQ.” *Id.* at 474. The SSA’s final adjectival ratings were as follows:

	Vendor A	MindPoint	Vendor B	MLS
Technical Approach	High	High	High	Moderate
Corporate Experience	High	High	High	High
Key Personnel	High	High	High	Low
Past Performance	High	High	High	High
Overall Rating	High	High	High	Low
Total Evaluated Price	\$47,316,278	\$39,897,950	\$36,879,832	\$61,719,730

AR, Tab B, SSD at 460.

³ The adjectival ratings for the key personnel factor were as follows: high--the program manager’s resume exceeds the minimum qualifications; moderate--the program manager’s resume meets the minimum qualifications; and low--the program manager’s resume does not meet the minimum qualifications. AR, Tab B, Source Selection Decision (SSD) at 461.

While the agency assigned overall ratings of high confidence to the quotations of Vendor A, Vendor B, and MindPoint, the SSA viewed MindPoint's quotation as superior, due to its "thorough," more detailed, and more innovative technical approach. *Id.* at 476. Also noting MindPoint's relevant corporate experience and highly rated past performance, the SSA concluded that the company "provided the best technical quot[ation] at a reasonable price." *Id.* at 478.

Subsequently, the SSA engaged in clarifications with MindPoint regarding its key personnel.⁴ *Id.* at 475. Specifically, the SSA requested MindPoint confirm the federal customers that its proposed program manager served during one of his listed employment positions. *Id.* at 475-76.

Although MindPoint's proposed price was 8 percent higher than Vendor B's, the SSA concluded that the potential benefits associated with MindPoint's technical approach warranted paying the price premium. *Id.* at 478-79. Accordingly, the agency again awarded the task order to MindPoint. *Id.* This protest followed.

DISCUSSION

MLS alleges that OCC unreasonably and unequally evaluated quotations under the key personnel factor. The protester also contends that the agency misevaluated quotations under the technical, corporate experience, and past performance factors, failed to review vendors' price assumptions, and issued an improper award decision. While we do not address every argument raised by the protester, we have reviewed each argument and find no basis on which to sustain the protest.⁵

Key Personnel Evaluation

The protester asserts that OCC misevaluated the resume of MLS's proposed program manager, and incorrectly concluded that the candidate did not meet the required qualifications. Protest at 8-11. MLS also contends that OCC's evaluation was unequal

⁴ The SSA explained that she "did not elect to engage with the other three [vendors] because I did not determine their quot[at]ions represent the best value" to the government. AR, Tab B, SSD at 476. Moreover, with respect to MLS, the SSA noted that its proposed program manager failed to meet the minimum RFQ requirements, and hence, "improving [MLS's] quot[at]ion would require [its] revision," either by redrafting it or by entirely replacing the key person's resume. *Id.*

⁵ The protester initially challenged the eligibility of three other vendors competing in the current procurement, asserting that they did not possess the required subcategories of SIN 54151 under the relevant FSS contract, but later withdrew these protest grounds. Comments on Supp. Memorandum of Law (MOL) at 1 n.1; Comments & 2nd Supp. Protest at 2 n.2. Similarly, MLS withdrew its initial assertion that MindPoint misrepresented the qualifications of its program manager. Comments & 2nd Supp. Protest at 2 n.2.

with the agency applying “a more exacting standard” in evaluating MLS’s program manager than the standard the agency applied to the other three vendors. Comments & 2nd Supp. Protest at 2-4.

The agency responds that it considered the information from the resume of MLS’s proposed program manager and reasonably concluded that it did not satisfy the minimum position qualifications because the resume failed to demonstrate eight years of experience in program and project management. MOL at 6-15. As such, OCC argues that MLS submitted an unacceptable quotation. *Id.* OCC also disagrees with MLS’s assertion that the agency’s evaluation was unequal, maintaining that all vendors were held to the same standard. 2nd Supp. MOL at 1-9.

Where, as here, an agency issues an RFQ to FSS vendors under FAR subpart 8.4 and conducts a competition for the issuance of an order, we will review the record to ensure that the agency’s evaluation was reasonable and consistent with the terms of the solicitation and applicable laws and regulations. *Digital Solutions, Inc.*, B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 3-4; *DEI Consulting*, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. A protester’s disagreement with the agency’s judgment, without more, does not establish that an evaluation was unreasonable. *DEI Consulting, supra.*

As noted above, the RFQ here included minimum qualifications for the proposed program manager, including, among other requirements, eight years of concurrent experience in program and project management supporting information security or cybersecurity projects for the federal government. RFQ at 31. The solicitation instructed that the proposed program manager’s resume “must clearly describe the specialized work experience of the individual, to included job title and dates of employment.” *Id.* at 75.

The record shows that OCC concluded that MLS’s proposed program manager, who we subsequently refer to as X, possessed only 76 months, or 6.3 years of the required experience. AR, Tab D, SSA’s Key Personnel Analysis at 503. While X’s resume stated in the summary section that X had 12 years of cybersecurity program/project management experience supporting the federal government, and listed a total of nine positions, the agency only credited the protester’s experience for four positions. *Id.* OCC found that the resume entries for five other positions either failed to show work performed for the federal government, included positions that overlapped with other positions for which MLS received credit, or listed positions that failed to provide sufficient description of the performed work. *Id.*

For example, the resume included a chief operating officer position that X performed from February 2013 through February 2019 at a private company. AR, Tab F, MLS’s Quotation at 604-605. The position description, however, did not indicate that any of X’s job functions were performed on behalf of a federal customer. *Id.* Additionally, the resume listed employment as a program manager at the Department of Transportation from April 2018 through June 2018, which overlapped with another of X’s full-time positions, performed from July 2016 through September 2018, at the Department of the

Navy, for which MLS received credit. *Id.*; AR, Tab D, SSA's Key Personnel Analysis at 503. Further, the resume identified a cybersecurity program/project manager position at the Department of State, performed from June 2010 through December 2012, without providing any description of the specific duties performed by X in this position; the only information included was the position title, dates of performance, and the name of the employer. *Id.*

Based on our review of the record, we find the agency's evaluation to be reasonable. While the protester argues that not crediting all of X's experience was improper because the resume affirmatively stated X had 12 years of cybersecurity program/project management experience supporting the federal government, we disagree. Comments & 2nd Supp. Protest at 7. The RFQ specifically advised that the program manager's resume "must clearly describe the specialized work experience of the individual." RFQ at 75. The solicitation also instructed that if it was "not possible to determine from the resume details how the minimum qualifications are met," the resume might receive an unfavorable evaluation. *Id.* at 76. In light of these detailed requirements, we concur with OCC that the resume's general assertion of 12 years of cybersecurity experience is not supported by the experience entries on the resume.

With respect to individual positions included on X's resume, the protester also contends that it should be credited for X's experience at the Department of State because the listed position title, cybersecurity program/project manager, provided sufficient information demonstrating that X was "support[ing] . . . cybersecurity projects" while employed there. Comments & 2nd Supp. Protest at 7. As such, despite the fact that the resume did not provide any description for the position, only listed a position title, and the dates of employment, MLS asserts that X's work experience matched the RFQ's qualification requirement. *Id.* We disagree. In our view, the failure to provide a narrative explaining specific duties performed by X during this employment did not meet MLS's obligation under the RFQ's criteria "to clearly describe the specialized work experience of the individual." RFQ at 75. Accordingly, we find the agency's evaluation here unobjectionable.

Moreover, MLS challenges the agency's decision to exclude X's employment at the Department of Transportation from the credit assigned for X's length of experience because the excluded experience overlapped with another position of X, which he performed at the same time for another agency, and for which MLS received credit. Comments & 2nd Supp. Protest at 6-7. The protester asserts that disregarding the overlapping experience was improper because the solicitation specifically allowed "concurrent" experience. *Id.* (quoting different definitions of "concurrent" and concluding, in essence, that the term is synonymous with "overlapping").

We see no merit to this argument. While the RFQ required the program manager to possess concurrent experience in program and project management, in our view, that requirement applied to the job functions performed by the program manager; in other words, the requirement called for experience encompassing both program and project management functions, rather than assigning duplicative months of experience for

functions performed concurrently. In sum, we agree with the agency that MLS's reading of this requirement disregards the generally accepted methods to count the passage of months, and would lead to unreasonable results where a person could gather "6 months of experience in 3 months." MOL at 12. We note, at any rate, that even if OCC credited MLS for these three months of overlapping experience, it would still be insufficient to overcome the missing 21 months of experience that X's resume could not demonstrate.

Ultimately, it was MLS's responsibility to submit a well-written quotation, with adequately detailed information that clearly demonstrates compliance with the solicitation's requirements. See *STG, Inc.*, B-411415 *et al.*, July 22, 2015, 2015 CPD ¶ 240 at 5-6. While MLS disagrees with the agency's judgment, such a disagreement does not establish that an evaluation was unreasonable. *DEI Consulting, supra*. Accordingly, we find no basis upon which to sustain MLS's challenge to the agency's key personnel evaluation.

The protester also asserts that OCC evaluated quotations unequally by reading MLS's quotation narrowly and applying a more exacting standard, while reading other vendors' quotations expansively and ignoring portions of the vendors' resumes that failed to comply with the RFQ's requirements. Comments & 2nd Supp. Protest at 2-4. The agency maintains that all resumes were evaluated equally and held to the same standard. 2nd Supp. MOL at 1-9.

It is a fundamental principle of federal procurement law that a contracting agency must treat all vendors equally and evaluate their quotations evenhandedly against the solicitation's requirements and evaluation criteria. *22nd Century Techs., Inc.*, B-417336, B-417336.2, May 24, 2019, 2019 CPD ¶ 198 at 6. To prevail on an allegation of disparate treatment, a protester must show that an agency unreasonably read some of the quotation in an expansive manner and resolved doubt in favor of the vendor, while reading other vendors' questions narrowly, and applying a more exacting standard. See, e.g., *Arctic Slope Mission Servs., LLC*, B-410992.5, B-410992.6, Jan. 8, 2016, 2016 CPD ¶ 396 at 7. When a protester alleges unequal treatment in a technical evaluation, it must show that the differences in the evaluation did not stem from differences between the quotations. See *IndraSoft, Inc.*, B-414026, B-414026.2, Jan. 23, 2017, 2017 CPD ¶ 30 at 10.

Based on the record and the parties' arguments, we find no basis to sustain this allegation. For example, MLS contends that the program manager's resume included in Vendor B's quotation failed to demonstrate the required eight years of cybersecurity experience, yet the agency unreasonably credited several positions listed on that resume. Comments & 2nd Supp. Protest at 3. In our view, the program manager's resume demonstrated the required experience. For instance, OCC credited Vendor B for its program manager's employment as a deputy division chief at the Bureau of Diplomatic Security for the Department of State, where he led a team of intelligence analysts and network forensic experts developing tools related to the agency's global cybersecurity efforts. Tab D, SSA's Key Personnel Analysis at 499. We find that OCC reasonably evaluated this position as fully aligned with the RFQ's requirement

for program and project management experience supporting information security or cybersecurity projects.

As another example, the protester argues that OCC's evaluation of MindPoint's proposed program manager was unreasonable and unequal. Comments & 2nd Supp. Protest at 4. In this regard, MLS asserts that the proposed program manager's position description of his experience working for a federal contractor was ambiguous in that it failed to clearly describe the time period specifically supporting federal customers, as opposed to private customers. *Id.* MLS contends that instead of eliminating MindPoint from the competition for submitting a noncompliant quotation, OCC engaged in clarifications with the vendor, which resulted in MindPoint's ultimate rating of high for this factor. *Id.*

We have reviewed the record and disagree with the protester's assertions. As the agency correctly points out, MindPoint's resume exceeded the required years of experience and only the resume's format required clarification. AR, Tab B, SSD at 470. As such, it was substantially different from MLS's resume which was missing 21 months of the required experience. Further, the position entry in question clearly indicated that the proposed program manager provided cybersecurity services to or on behalf of the Department of Justice, the Bureau of Alcohol, Tobacco, Firearms and Explosives. AR, Tab G, MindPoint's Quotation at 663. Hence, contrary to MLS's assertions, the resume provided by MindPoint included features required by the RFQ; OCC's exchanges with the awardee only clarified information already included in its quotation. And, importantly, the agency engaged in clarifications with MindPoint only after it concluded its evaluation and found that MindPoint was the best-value vendor. See RFQ at 77-78 (providing for a right to "obtain additional information from, and negotiate with [a vendor who represents the best value] to improve the terms of the deal reflected in its quot[ation]."). The evaluation record does not support the protester's claim of disparate treatment.

In sum, the protester fails to demonstrate that the agency acted unreasonably in concluding that MLS's quotation failed to comply with the key personnel requirements. Accordingly, this protest ground is denied.

Remaining Protest Allegations

The protester also raises a number of challenges to other aspects of the agency's evaluation of quotations, including its evaluation under the technical, corporate experience, past performance, and price factors. Because we conclude the agency reasonably found MLS's quotation unacceptable, and therefore ineligible for award, we do not address the merits of these allegations as MLS is not an interested party to raise them. Accordingly, we dismiss the protester's remaining allegations.

Under our Bid Protest Regulations, a party is not interested to maintain a protest if it would not be in line for award if the protest was sustained. 4 C.F.R. §§ 21.0(a), 21.1(a). Conversely, a protester is an interested party to challenge a procurement where there is

a reasonable possibility that its quotation would be in line for award if the protest were sustained. See *SRA Int'l, Inc.; NTT DATA Servs. Fed. Gov't, Inc.*, B-413220.4 *et al.*, May 19, 2017, 2017 CPD ¶ 173 at 28. In this regard, where there is an intervening offeror who would be in line for the award even if the protester's challenges were sustained, the intervening offeror has a greater interest in the procurement than the protester, and we generally consider the protester's interest to be too remote to qualify it as an interested party. *Id.*

As discussed above, the agency reasonably rated the protester's quotation as unacceptable under the key personnel factor, and therefore ineligible for award. There were also two other intervening vendors, in addition to the awardee, that submitted technically acceptable quotations that were significantly, *i.e.*, between \$14 million and \$25 million, less expensive than the quotation submitted by MLS.⁶

Our review of the record confirms that the agency reasonably determined that the protester did not have a realistic prospect of award given its lower, as compared with the awardee and two other intervening vendors, technical approach rating, its unacceptable rating under the key personnel factor, its overall rating of low, and its significant price premium. Thus, since the agency reasonably found MLS's quotation unacceptable and ineligible for award, and there are multiple intervening technically acceptable quotations, the protester is not an interested party for purposes of questioning the remainder of the agency's evaluation of quotations and resulting award decision. *Barbaricum, LLC*, B-418427.7, Dec. 11, 2020, 2020 CPD ¶ 41 at 5; *PAE Applied Techs., LLC*, B-419133, Nov. 4, 2020, 2020 CPD ¶ 363 at 10.

The protest is denied in part and dismissed in part.

Edda Emmanuelli Perez
General Counsel

⁶ As stated, while we do not discuss all of the protester's allegations, including the challenges to multiple aspects of OCC's evaluation of these other vendors' quotations, based on our review of the record, we find no basis to question the agency's evaluation of these vendors.