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# Decision

**Matter of:** Konica Minolta Business Solutions USA, Inc.

**File:** B-418800; B-418800.2

**Date:** September 4, 2020

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Alan Grayson, Esq., for Paragon-One Group, LLC, the intervenor.  
Bruce T. McCarty, Esq., Defense Logistics Agency, for the agency.  
Charmaine A. Stevenson, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest challenging the agency's evaluation of the awardee's proposal as technically acceptable is denied where the evaluation was reasonable and consistent with the solicitation.

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## DECISION

Konica Minolta Business Solutions U.S.A., Inc., of Vienna, Virginia, protests the award of a contract to Paragon-One Group, LLC, of Gaithersburg, Maryland, under request for proposals (RFP) No. SP7000-19-R-1002, issued by the Defense Logistics Agency (DLA), for managed print services (MPS) software, training, and maintenance. The protester contends that Paragon-One's proposed software solution does not meet all of the technical requirements of the statement of work (SOW), and should have been rejected as unacceptable.

We deny the protest.

## BACKGROUND

The agency issued the RFP on August 12, 2019, using the commercial item procedures of Federal Acquisition Regulation (FAR) part 12 in conjunction with the negotiated contracting procedures of FAR part 15. Agency Report (AR), Tab 2, RFP at 1. The RFP contemplated award of an indefinite-delivery, indefinite-quantity contract with an ordering period of up to three years, against which fixed-price orders will be issued. *Id.* at 3. The maximum program ceiling is 50,000 licenses or a maximum contract value of

\$57,792,000, whichever is reached first. *Id.* The SOW provided that the agency was seeking a commercial-off-the-shelf (COTS) solution. AR, Tab 5, SOW at 1.

As relevant here, the RFP required that offerors' technical proposals demonstrate compliance with all technical requirements in the SOW. *Id.* at 4, 7. The RFP stated: "The Government will evaluate the offeror's ability to meet all technical requirements for [the] proposed MPS software solution required. The Government will evaluate the offeror's proposed MPS software solution for meeting all specific technical requirements in-accordance-with the SOW." *Id.* at 7. Additionally, the RFP required that offerors submit with their proposals a signed SOW compliance form, included in the RFP as an attachment, stating that the offeror "hereby agrees to comply with all technical requirements set forth in the [SOW] without any caveats/deviations." *Id.* at 4; RFP attach. 4, SOW Compliance Form.

The RFP stated that award would be made to the lowest-priced, technically acceptable (LPTA) proposal, subject to testing and approval.<sup>1</sup> RFP at 3. The RFP further advised that the contracting officer may use a reverse auction to conduct price discussions, and required that offerors agree to participate in the reverse auction. *Id.* at 8.

The agency received six proposals, including from Paragon-One and Konica Minolta. AR, Tab 4, Price Negotiation Memorandum (PNM) & Source Selection Decision Document (SSDD) at 2. The agency concluded that four proposals were ineligible to proceed to the reverse auction phase of the procurement. *Id.* at 6. Following discussions, both Paragon-One and Konica Minolta were found to be technically acceptable with acceptable past performance. *Id.* at 8. At the end of the reverse auction, Paragon-One's evaluated price was \$968,738 and Konica Minolta's evaluated price was \$1,808,262. *Id.* at 2.

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<sup>1</sup> The RFP defined the ratings for the technical factor as follows:

Acceptable: Proposal meets the requirements of the solicitation.  
Unacceptable: Proposal does not meet the requirements of the solicitation.

RFP at 8. With regard to testing, the RFP stated:

**Network Testing:** Will only be accomplished with the [LPTA] awardee after award in-accordance-with the requirements set-forth in the [SOW]. If the awardee is unable to pass network testing then the award will be terminated for cause in-accordance-with FAR 52.212-4(m). The Government will then issue an award to the next [LPTA] offeror; which that awardee will then be required to pass network testing. This process will be followed until a technically acceptable low offeror successfully passes network testing.

*Id.* at 4.

On May 26, 2020, DLA informed Konica Minolta that an award had been made to Paragon-One. Konica Minolta received a written debriefing on May 27. This protest followed.

## DISCUSSION

The protester argues that Paragon-One's proposed software solution does not comply with the required capabilities listed in the SOW, specifically, the capability to support secure release pull-printing to any networked printing device via common access card (CAC) authentication. Protest at 5. In addition, the protester argues that Paragon-One's proposed solution does not support any external third-party CAC authentication solutions, and is only compatible with a subset of multi-function printers in which the applications are already embedded and natively configured for CAC authentication. *Id.*; Comments & Supp. Protest at 4-7. Konica Minolta argues that the solution proposed by Paragon-One is not COTS, and by making an award to Paragon-One, the agency either failed to adhere to the evaluation criteria or improperly relaxed the COTS requirements in the solicitation solely for Paragon-One.<sup>2</sup> Protest at 5. The agency argues that the Paragon-One proposal clearly stated that it meets the SOW requirements, the evaluation was reasonable, and Konica Minolta's disagreement provides no basis upon which to sustain the protest. COS/MOL at 7-9.

The evaluation of an offeror's proposals is a matter within the agency's discretion. *Avon Prot. Sys., Inc.*, B-411569.2, Nov. 13, 2015, 2016 CPD ¶ 33 at 5. In reviewing protests of an agency's evaluation of an offeror's technical proposal, our Office does not reevaluate proposals; rather, we review the evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. *Id.*; *Olgoonik Logistics, LLC*, B-415569, Jan. 23, 2018, 2018 CPD ¶ 36 at 6. A protester's disagreement with the agency's evaluation, without more, is not sufficient to render the evaluation unreasonable. *CASS Prof'l Servs. Corp.*, B-415941, B-415941.2, Apr. 27, 2018, 2018 CPD ¶ 163 at 6-7.

As noted, the RFP stated that offerors "must demonstrate compliance with ALL the Technical Requirements set forth in the [SOW]," and provide a signed copy of the SOW compliance form with their proposal submissions. RFP at 5. As relevant to the protest allegations, the SOW required as follows:

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<sup>2</sup> Konica Minolta also argued that Paragon-One had an unequal access to information organizational conflict of interest. Protest at 6. The agency responded substantively to the allegation, explaining that there was no unequal access to information as a result of a different MPS contract the awardee holds. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 10-11. The protester withdrew this allegation. Comments & Supp. Protest at 2.

### 4.3 Print Management

The proposed MPS software must capture all user-initiated print jobs from user workstations, and allow only the specified user to release the print job from any device on the network. The software must capture the print job with necessary user metadata to associate the print with the authenticated user at the output device. For authentication, the user must be able to authenticate at the device with CAC/[personal identity verification (PIV)] card to release the held print job(s). For auditing, the software must track username, print job name, and date/time stamp for all print jobs.

\* \* \*

4.3.2 Capability for users to authenticate and release print jobs from a queue to any device on the network (Secure-Release and Pull-Printing).

\* \* \*

4.3.4 Secure-Release and Pull-Printing function to work in compliance with the device [Department of Defense (DOD) public key infrastructure (PKI)]/CAC and [National Institute of Standards and Technology (NIST) Federal Information Processing Standard Publication 201 (FIPS 201)]/PIV standards. For authentication, the user must be able to authenticate at the output device via CAC/PIV to Active Directory to release the held print job.

AR, Tab 5, SOW at 4. The record shows that, as required by the RFP, the contracting officer received proposals, including one copy with the identity of the offeror redacted, and assigned each of these redacted proposals a letter of identification. COS/MOL at 4; see RFP at 5 (offerors shall submit one original copy and one redacted version of the proposal). Konica Minolta was identified as offeror C, and Paragon-One as offeror E. COS/MOL at 4.

The agency convened a three-member source selection evaluation board (SSEB) to evaluate proposals, and each member “limited her or his review to what was provided in the redacted technical proposal (to include all its supporting documents, brochures, etc.).” SSEB Statement at 2. The agency’s evaluation of proposals proceeded as follows:

Six (6) proposals were received and evaluated in accordance with [] the Request for Proposals and the Source Selection Plan. Prior to opening discussions, one (1) proposal passed the technical evaluation (offeror C), and five (5) proposals failed the technical evaluation (offerors A, B, D[, E,] and F). Of those five (5) proposals, the Government had the expectation through discussions that two (2) vendors, offeror B and offeror E, would be able to fix their technical deficiencies and then participate in the reverse auction []. During discussions these two vendors, offeror B and offeror E,

fixed their technical deficiencies and subsequently were found to be technically acceptable. However, during discussions offeror B continuously failed to answer the Government's questions. Due to this, the [contracting officer] found offeror B to be non-responsive and their proposal to be unacceptable. Final pricing was received from offeror C and offeror E as a result of [reverse auction] 20-5002.

AR, Tab 4, PNM & SSDD at 1; *see also* Tab 8, Paragon-One Evaluation Worksheet at 16 ("Paragon-One was one of the five proposals that did not clearly pass technical review prior to discussion. [] Prior to discussions, Paragon-One's technical proposal specifically addressed most, but not all, sub-factors set forth in the [SOW].").

More specifically, the SSEB explains that it evaluated all proposals against the SOW requirements starting from section 2.0 through section 13.2, and that a proposal was rated technically unacceptable for any of the sections where the proposal did not clearly indicate compliance with the SOW requirements.<sup>3</sup> SSEB Statement at 3. In its final proposal revision, Paragon-One specifically stated that it was proposing a COTS solution. AR, Tab 7, Paragon-One Technical Proposal at 2. In addition, Paragon-One stated, in pertinent part:

**RESPONSE:**

The proposed Output Manager/Autostore Solution can complete all the requirements stated in paragraph 4.3.

\* \* \*

The proposed Output Manager/Autostore Solution has the ability for users to authenticate and release print jobs from a queue to any device on the network (Secure-Release and Pull-Printing).

\* \* \*

The proposed Kofax Output Manager/Autostore Solution has a secure-release and pull-printing function that can work in compliance with the device DOD PKI/CAC and NIST FIPS 201/PIV standards. For authentication, the user will have the ability to authenticate at the output device via CAC/PIV to Active Directory to release the held print job.

*Id.* at 10-11. Paragon-One also provided a product data sheet; product summary brochure; output manager installation guide showing, among other things, the product features; document imaging installation guide; and an output manager brochure. *Id.* at 31-157. In addition, Paragon-One submitted a signed SOW compliance form stating

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<sup>3</sup> The discussions with Paragon-One did not relate to its compliance with the SOW 4.3 print management requirements at issue here. See AR, Tab 11, Paragon-One Discussions Letter.

that it “agree[d] to comply with all technical requirements set forth in the statement of work without any caveats/deviations.” *Id.* at 29.

On this record, we see no basis to question the reasonableness of the agency’s evaluation. The RFP required that proposals demonstrate compliance with all technical requirements of the SOW. The SSEB reviewed proposals, including supporting documents and brochures, and concluded that Paragon-One’s proposed solution complied with all of the SOW’s technical requirements.<sup>4</sup> In addition, Paragon-One submitted the required SOW compliance form with its proposal and stated that it agreed to comply with all technical requirements. The intervenor also identifies pages in the brochures provided with the proposal that support the proposal statements that Paragon-One’s proposed solution complies with the print management requirements of the SOW. Intervenor Comments at 4; see e.g., AR, Tab 7, Paragon-One Technical Proposal at 144 (“Output Manager’s secure print capabilities allow users to print from their desktops and then go to any networked device, swipe their PIV card and print out the job.”).

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<sup>4</sup> The protester also argues that the record inadequately documents the agency’s evaluation because the evaluation documents simply indicate the agency’s conclusion that Paragon-One’s proposal was acceptable, without any explanation or analysis, for each SOW requirement. Comments & Supp. Protest at 8-11. Here, the RFP incorporated by reference FAR provision 52.212-1, Instructions to Offerors – Commercial Items, which states: “As a minimum, offers must show. . . [a] technical description of the items being offered in sufficient detail to evaluate compliance with the requirements in the solicitation. This may include product literature, or other documents, if necessary[.]” RFP at 30. As noted, the SSEB reviewed redacted technical proposals, including all supporting documents and brochures. SSEB Statement at 2. The SSEB identified specific SOW requirements in which the Paragon-One proposal did not clearly demonstrate compliance, and following discussions and evaluation of Paragon-One’s final proposal revision, the SSEB concluded the proposal was technically acceptable. *Id.* at 3-4; see also AR, Tab 8, Paragon-One Technical Evaluation Worksheet.

Although an agency must document its evaluation judgments in sufficient detail to show that they are not arbitrary, the necessary amount and level of detail varies from one procurement to another. See *Government Acquisitions, Inc.*, B-401048 *et al.*, May 4, 2009, 2009 CPD ¶ 137 at 8. For example, there is no requirement that the evaluation record must include narrative explanations for every rating assigned. *Id.* Here, the agency documented features of the proposal that were potentially unacceptable, as well as its attempts to resolve those issues, and the fact that the agency did not additionally document all determinations of adequacy does not render the evaluation unreasonable or inadequately documented. See *Pitney Bowes, Inc.*, B-416220, B-416220.2, July 11, 2018, 2018 CPD ¶ 263 at 6-7 (concerning FAR part 8 acquisition). We find the record supports the agency’s conclusions and have no basis to sustain the protest.

In the absence of anything other than the protester's contentions that Paragon-One's proposal will fail to comply with the SOW requirements, we have no basis to question the agency's conclusion that Paragon-One's proposal is technically acceptable. Konica Minolta's disagreement provides an insufficient basis to render the evaluation unreasonable. *CASS Prof'l Servs. Corp., supra*.

The protest is denied.

Thomas H. Armstrong  
General Counsel