

**GAO Statement on Protest of *Systems Plus, Inc.*, B-419956 et al.**

*The following is a statement from Kenneth E. Patton, Managing Associate General Counsel for Procurement Law at GAO, regarding today's decision in *Systems Plus, Inc.*, et al., B-419956.184 et al., June 29, 2023.*

On Thursday, June 29, 2023, the U.S. Government Accountability Office (GAO) sustained 98 protests filed by 64 offerors<sup>1</sup> whose proposals were eliminated from the competition conducted by the Department of Health and Human Services (HHS), National Institutes of Health (NIH), under request for proposals (RFP) No. 75N98121R00001, which was issued for the award of multiple indefinite-delivery, indefinite-quantity (IDIQ) governmentwide acquisition contracts for information technology services, known as Chief Information Officer-Solutions and Partners (CIO-SP4).

The RFP sought proposals to provide information technology solutions and services in the areas of health, biomedical, scientific, administrative, operational, managerial, and information systems requirements. The solicitation advised that the agency will award approximately 305 to 510 IDIQ contracts across multiple socioeconomic groups. The solicitation provided for a 3-phase evaluation, wherein a proposal must successfully pass each phase to be eligible for award. Each awarded contract will have a base period of performance of 5 years with one 5-year option, and a maximum ordering value of \$50 billion.

In the challenges filed at GAO, the protesters argued that the agency unreasonably failed to advance their proposals past phase 1 of the evaluation, thereby eliminating them from the competition. In sustaining the protests, GAO concluded that NIH's decision not to advance the protesters' proposals past phase 1 of the competition was flawed because the record provided by the agency and the agency's responses to the protest do not show that the agency: (1) reasonably evaluated offerors' phase 1 proposals, as required by the solicitation, and (2) reasonably determined which proposals would advance to the next stages of the competition. GAO also concluded that the agency unreasonably evaluated specific aspects of one offeror's phase 1 proposal, Sky Solutions LLC. GAO recommended that the agency reevaluate proposals consistent with the decision, and make new determinations of which proposals advance past phase 1 of the competition based on the results of these new evaluations. GAO denied the remaining arguments raised by the protesters, including untimely challenges to the terms of the solicitation, and challenges to other aspects of the evaluations.

GAO's decision expresses no view as to the merits of the proposals. Judgments about which offerors will successfully meet the government's needs are reserved for the procuring agencies, subject only to statutory and regulatory requirements. GAO's bid protest process is handled by GAO's Office of General Counsel and examines whether procuring agencies have complied with procurement laws and regulations.

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<sup>1</sup> See Appendix A to this statement for a list of the protesters.

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Today's decision was issued under a protective order because the decision may contain proprietary and source selection sensitive information. GAO has directed counsel for the parties to promptly identify information that cannot be publicly released so that GAO can expeditiously prepare and release a public version of the decision. When the public version of the decision is available, it will be posted to our website, "[www.gao.gov](http://www.gao.gov)."

This decision addressed protests filed by firms represented by outside counsel who were eligible for admission to a protective order. A separate decision addressing protests filed by firms that were not represented by counsel will be issued at a later date.

For more information, please contact Kenneth E. Patton at 202-512-8205, Edward T. Goldstein at 202-512-4483, or Chuck Young at 202-512-3823. More information about GAO's Bid Protest process is also available on the GAO website.

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*The Government Accountability Office, known as the investigative arm of Congress, is an independent, nonpartisan agency that exists to support Congress in meeting its constitutional responsibilities. GAO also works to improve the performance of the federal government and ensure its accountability to the American people. The agency examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO provides Congress with timely information that is objective, fact-based, nonideological, fair, and balanced. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.*

**APPENDIX A – List of Protesters**

The following firms challenged their exclusion from phase 1 of the competition conducted by NIH under RFP No. 75N98121R00001:

B-419956.184, B-419956.199, Systems Plus, Inc., of Rockville, Maryland

B-419956.185, B-419956.289, B-419956.320, CANN Softtech, Inc., of Herndon, Virginia

B-419956.186, B-419956.282, Dfuse Technologies, Inc., of Ashburn, Virginia

B-419956.187, B-419956.286, Red Oak Solutions, LLC, of Ashburn, Virginia

B-419956.188, B-419956.290, White Oak Solutions, LLC, of Paterson, New Jersey

B-419956.189, B-419956.292, ShorePoint, Inc., of Herndon, Virginia

B-419956.190, B-419956.293, JSSA, Inc., of Andover, Massachusetts

B-419956.191, B-419956.294, Knowledge Management, Inc., of Tyngsborough, Massachusetts

B-419956.192, 2050 Technology, LLC, of Westminster, Colorado

B-419956.193, JarWare, LLC, of Vienna, Virginia

B-419956.194, iDoxSolutions, Inc., of Bethesda, Maryland

B-419956.195, cFocus Software, Inc., of Largo, Maryland

B-419956.196, B-419956.319, SOFITC JV, LLC, of Piscataway, New Jersey

B-419956.197, B-419956.327, Spatial Front, Inc., of Bethesda, Maryland

B-419956.198, ImpactOne JV, LLC, of Bethesda, Maryland

B-419956.201, B-419956.334, Technology Solutions Provider, Inc., of Reston, Virginia

B-419956.202, B-419956.323, A1FedImpact, LLC, of Reston, Virginia

B-419956.203, B-419956.324, Saliense Consulting, LLC, of McLean, Virginia

B-419956.205, B-419956.330, Xfinion, Inc., of Bethesda, Maryland

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- B-419956.207, Hendall, Inc., of Rockville, Maryland
- B-419956.208, Syneren Technologies, Corp., of Arlington, Virginia
- B-419956.209, iVision, Inc., d/b/a iVision Consulting, Inc. of Washington, DC
- B-419956.210, CWS FMTI JV, LLC, of Luray, Virginia
- B-419956.213, B-419956.329, Astor & Sanders Corporation, of McLean, Virginia
- B-419956.214, B-419956.328, Computer World Services Corporation, of Falls Church, Virginia
- B-419956.215, B-419956.326, DevTech Systems, Inc., of Arlington, Virginia
- B-419956.216, B-419956.325, Criterion Systems, LLC, of Vienna, Virginia
- B-419956.219, B-419956.321, B-419956.342, Cyquent, Inc., of Rockville, Maryland
- B-419956.220, B-419956.322, B-419956.340, Audacious Inquiry, of Catonsville, Maryland
- B-419956.227, ICS-TSPi, LLC, of Reston, Virginia
- B-419956.230, SRG-TSPi, LLC, of Stafford, Virginia
- B-419956.231, Horizon Industries, Ltd., of Vienna, Virginia
- B-419956.233, MASAI Technologies Corporation, of Frederick, Maryland
- B-419956.234, CTIS, Inc., of Rockville, Maryland
- B-419956.241, JCS Solutions, LLC, of Fairfax, Virginia
- B-419956.242, TSC-ITG JV, LLC, of Reston, Virginia
- B-419956.248, B-419956.336, B-419956.337, Karsun Solutions, LLC, of Herndon, Virginia
- B-419956.252, Neev-KS Technologies, LLC, of Oakton, Virginia
- B-419956.259, ASSYST, Inc., of Sterling, Virginia
- B-419956.260, Platinum Business Services, LLC, of Clarksville, Maryland
- B-419956.261, B-419956.314, B-419956.315, IS CIO JV, of Vienna, Virginia

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- B-419956.264, Inerso Corporation, of Vienna, Virginia
- B-419956.268, Credence Dynamo Solutions, LLC, of Vienna, Virginia
- B-419956.269, B-419956.317, Sky Solutions, LLC, of Chantilly, Virginia
- B-419956.270, Blue Grove Solutions, LLC, of College Park, Maryland
- B-419956.271, Ennoble First-Macro Solutions, LLC, of Chantilly, Virginia
- B-419956.272, OCTO Consulting, LLC, of McLean, Virginia
- B-419956.273, Swain Online, Inc., d/b/a Swain Techs, of Horsham, Pennsylvania
- B-419956.274, Katmai Management Services, LLC, of Anchorage, Alaska
- B-419956.277, Capital Data Partners JV, LLC, of Silver Spring, Maryland
- B-419956.278, Network Management Resources, Inc., d/b/a NMR Consulting, of Huntsville, Alabama
- B-419956.279, mPower, Inc., of North Bethesda, Maryland
- B-419956.280, ADG Tech Consulting, LLC, of Herndon, Virginia
- B-419956.281, USmax Corporation, of Fairfax, Virginia
- B-419956.283, Ripple Effect Communications, Inc., d/b/a Ripple Effect, of Rockville, Maryland
- B-419956.284, B-419956.333, MicroTechnologies, LLC, of Vienna, Virginia
- B-419956.295, B-419956.316, A Square Group, LLC, of Frederick, Maryland
- B-419956.296, B-419956.341, eKuber Ventures, Inc., of Vienna, Virginia
- B-419956.298, The Electric On-Ramp, Inc., of Houston, Texas
- B-419956.306, MiamiTSPi, LLC, of Reston, Virginia
- B-419956.309, Decision Point Corporation, of Gaithersburg, Maryland
- B-419956.310, B-419956.345, AgilisTEK, LLC, of Bethesda, Maryland
- B-419956.311, B-419956.346, OM Partners JV 2, LLC, of Reston, Virginia

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B-419956.313, B-419956.347, A-Tek, Inc., of McLean, Virginia