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**Comptroller General  
of the United States**

**United States General Accounting Office  
Washington, DC 20548**

# Decision

**Matter of:** T-L-C Systems

**File:** B-287452

**Date:** June 18, 2001

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Sidney Earley for the protester.

Maj. Robert W. Clark, Department of the Army, for the agency.

Katherine I. Riback, Esq., and James Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## **DIGEST**

Agency reasonably rejected proposal that failed to show that it complied with the statement of work requirements, as was required by the solicitation.

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## **DECISION**

T-L-C Systems protests the award of a contract to Monaco Enterprises, Inc. under request for proposals (RFP) No. DAHA13-01-R-0001, issued by the Department of the Army, Iowa Army National Guard, for the delivery and installation of a radio frequency fire alarm communication system. T-L-C contends that the agency improperly evaluated its proposal and failed to provide it with meaningful discussions.

We deny the protest.

The RFP was issued under the streamlined commercial acquisition procedures pursuant to Federal Acquisition Regulation (FAR) subpart 12.6, using a combined synopsis/solicitation posted on the Commerce Business Daily (CBD) Internet site on January 5, 2001. The synopsis/solicitation provided that “this announcement constitutes the only solicitation,” and included a “brief description” of the system to be procured. Agency Report, Tab 38, CBD Notice/Solicitation. Prospective offerors were instructed to contact the agency to receive the complete statement of work (SOW) and maps for the system. *Id.* at 2.

Award was to be made to the offeror submitting the proposal determined to offer the government the best value, considering the following factors: technical

ability of the system proposed, technical support, and past performance. The solicitation/synopsis included the following instructions:

The offeror shall submit a written proposal addressing all the technical factors outlined above. The proposal shall provide documentation, which addresses their ability to meet or exceed the requirements of each paragraph in the statement of work or provides an explanation of the variations/deficiencies in their proposal.

Id. Proposals were limited to 35 pages in length and offerors were cautioned that the failure to address any item may be cause for proposal rejection. Id.

On February 5, the agency received four proposals in response to the synopsis/solicitation. T-L-C's submission included its product literature; however, it failed to address the technical factors and how its proposed system met each of the SOW requirements. Agency Report, Tab 31, T-L-C Proposal. During discussions T-L-C was notified that it had failed to provide a proposal that addressed the technical factors and each of the requirements in the SOW as required by the solicitation, and offered T-L-C the opportunity to make its proposal responsive to the solicitation. Agency Report, Tab 25, Agency Discussion Letter to T-L-C.

The protester then filed an agency-level protest on March 5.<sup>1</sup> In this protest, T-L-C referenced the agency's previous attempt to purchase this fire alarm communication system from a Federal Supply Schedule (FSS) contract. Since T-L-C's proposed system had been determined acceptable during that competition, it questioned how the agency could determine its proposal here for the identical system was unacceptable. Agency Report, Tab 18, T-L-C's Agency Level Protest.

The agency responded, by letter dated March 9, informing T-L-C that its submission lacked a "paragraph by paragraph summary" of how its system complied with the SOW requirements, as required in the solicitation, and asked the protester to either state that they wanted the agency to review the proposal as submitted, or to submit the requested information. The letter went on to state that T-L-C's failure to submit any information would result in the rejection of its proposal. Agency Report, Tab 15, Army's Response to T-L-C's Agency-Level Protest.<sup>2</sup>

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<sup>1</sup> We sustained T-L-C's protest of the previous attempt to acquire this system in T-L-C Sys., B-285687.2, Sept. 29, 2000, 2000 CPD ¶ 166, because the acquisition included certain items that were not contained in the awardee's FSS contract, yet were included in the FSS order.

<sup>2</sup> T-L-C was also initially told in discussions that its proposal exceeded the 35-page limit established in the CBD notice/solicitation. T-L-C was later notified that this was (continued...)

On March 10, the protester withdrew its agency-level protest (“predicated upon [the Army’s] approval of [T-L-C’s] proposal as submitted”), and did not submit any additional information. Agency Report, Tab 14, T-L-C’s Withdrawal of Agency Level Protest.

The agency evaluated the proposals and found that it could not determine whether T-L-C’s proposal met all of the SOW requirements. The agency also determined that Monaco’s acceptable proposal represented the best value to the government. Agency Report, Tab 12, Selection Board’s Minutes. This protest followed.

The protester argues that the agency had found its proposal for the same product technically acceptable in a previous procurement, and that the agency had in essence “pre-approved” its system. T-L-C argues that there was nothing in the solicitation that would require a paragraph by paragraph response, and that in any case, it took no exceptions to the provisions in the SOW. T-L-C’s Comments, Tab 12, at 1; T-L-C’s Additional Comments, May 1, 2001, at 2.

Our Office will not question an agency’s evaluation of proposals unless the agency deviated from the solicitation evaluation criteria or the evaluation was otherwise unreasonable. Shilog Ltd., Inc., B-261412.4, Nov. 8, 1995, 95-2 CPD ¶ 260 at 9. The offeror has the burden of submitting an adequately written proposal and proposal revisions for the agency to evaluate, and an offeror’s disagreement with the agency’s judgment is not sufficient to establish that the agency acted unreasonably. Applied Co., B-279811, July 24, 1998, 98-2 CPD ¶ 52 at 5.

First, we note that T-L-C is mistaken in its belief that its fire alarm communication system was somehow “pre-approved” during the previous procurement, in which the agency found T-L-C’s system was acceptable. The solicitation at issue here contained a SOW that was far more detailed than that used for the previous acquisition. In any event, each procurement action is a separate transaction and the action taken under one is not relevant to the propriety of the action taken under another procurement for purposes of a bid protest. R&B Equip. Co., B-271194, May 22, 1996, 96-1 CPD ¶ 250 at 5.

Moreover, contrary to T-L-C’s assertions, the solicitation/synopsis explicitly requested a proposal that showed that the offeror’s system complied with “each paragraph of the statement of work.” Agency Report, Tab 38, CBD Notice/Solicitation, at 2. T-L-C declined to respond to this requirement, even though this matter was twice brought to its attention, but submitted only its product literature. Nevertheless, in evaluating T-L-C’s system the agency itself attempted to

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(...continued)

not the case. Agency Report, Tab 15, Army Response to T-L-C’s Agency-Level Protest, at 1.

determine whether T-L-C's system, as described in its product literature, met the SOW requirements, but was unable to do so for all requirements. For example, the agency could not determine from the protester's submission whether it complied with the specifications applicable to the display module or with regard to the personal computer in the "logging mode." The protester has not contradicted this determination, but rather insists that its blanket statement that it will comply with the terms of the solicitation should demonstrate its intent to comply with the terms of the RFP. However, responses that are essentially blanket offers of compliance are not adequate substitutes for the detailed and complete technical information necessary to establish that what the offeror proposes will meet the agency's needs, especially where the solicitation specifically calls for a description of how an offeror proposes to meet solicitation requirements. M. C. Dean Elec. Contracting, Inc., B-246193, Feb. 24, 1992, 92-1 CPD ¶ 219 at 4. Thus, the record does not evidence that the evaluation of T-L-C's proposal was unreasonable or inconsistent with the terms of the solicitation.

T-L-C contends that its proposal problems, if any, were the result of the agency's failure to conduct meaningful discussions with the firm. Specifically, T-L-C argues that "[i]f the agency had requested specific information to be clarified, TLC Systems would have responded." T-L-C's Comments Summary at 2. We find the agency more than satisfied its duty to conduct meaningful discussions when it twice advised the protester that it had failed to provide documentation showing that its proposed system meets the requirements of each paragraph of the statement of work and that a failure to satisfy this solicitation requirement would result in the rejection of its proposal. See LaBarge Elecs., B-266210, Feb. 9, 1996, 96-1 CPD ¶ 58 at 6.

The protest is denied.

Anthony H. Gamboa  
General Counsel