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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Protest Alleging That Proposal Evaluation Was Unfair]

FILE: B-194286.2

DATE: September 14, 1979

MATTER OF: Neshaminy Valley Information Processing,
Inc.

DIGEST:

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1. Absent provision to the contrary, modifications to benchmark software which are required to be submitted with technical proposal are subject to evaluation as part of proposal and must meet requirements of request for proposals.
2. Where request for proposals advises that oral modifications of requirements are unauthorized, protester could not reasonably have been misled into making software modifications directly contrary to mandatory requirements on the basis of oral advice from technical representative.
3. Determination that proposal does not meet requirements is reasonable where offeror's modifications to benchmark software are contrary to mandatory requirements in one instance and, at best, demonstrate probability of noncompliance in another. Mere offer to comply with requirement is not sufficient.
4. Exclusion of offeror from competitive range is reasonable where offeror's modifications to benchmark software submitted with proposal indicate noncompliance with mandatory requirements of request for proposals.

Neshaminy Valley Information Processing, Inc. (NVIP), protests its exclusion from the competitive range under a procurement conducted by the Automatic Data Processing Selection Office (ADPSO) of the Department of the Navy. For the reasons stated below, we deny the protest.

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On August 28, 1978, ADPSO issued request for proposals (RFP) N66032-78-R-0009 for the acquisition of teleprocessing services to support the Navy's Personalized Recruiting for Immediate and Delayed Enlistment (PRIDE) system utilized by the Navy Recruiting Command. The PRIDE system functions as a management information system, tracking each new recruit from enlistment through assignment to a school or duty station, providing current data on weekly recruiting goals, and interfacing with systems employed by other personnel-related organizational units. The RFP advised that offerors submitting acceptable proposals would be required to perform a benchmark, i.e., would be required to demonstrate the capability of their computer system by running a set of Navy programs. A copy of the benchmark software was incorporated in the RFP. While offerors could modify the programs to make them compatible with their particular computer system, all changes were to be explained in the offeror's technical proposal.

NVIP contends that the evaluation of its proposal was unfair as the result of prejudice arising from improper objections by ADPSO evaluators to NVIP's modifications to the benchmark software. Our review of objections to an agency's technical evaluation is limited to examining whether the evaluation was fair and reasonable and consistent with the evaluation criteria. We will question contracting officials' determinations as to the technical merits of proposals only upon a clear showing of unreasonableness, abuse of discretion, or violation of procurement laws or regulations. See discussion in INTASA, B-191877, November 15, 1978, 78-2 CPD 347; Joseph Legat Architects, B-187160, December 13, 1977, 77-2 CPD 458. In response to NVIP's objections, we have reviewed the RFP, NVIP's proposal and program changes, and ADPSO's evaluation, and in each instance we find a reasonable basis for ADPSO's assessment.

Before discussing NVIP's specific objections, however, we observe that NVIP apparently regards its benchmark modifications to be independent from its technical proposal, a view we consider incorrect. One of the purposes of a benchmark is to provide a prospective supplier the opportunity to demonstrate that its equipment or software conforming to the procuring agency's requirements will perform satisfactorily. Where, as here, offerors are

required to describe in detail in their technical proposals the software modifications necessary to permit running the benchmark on their particular equipment, absent provision to the contrary, these modifications are subject to evaluation as part of the proposal to determine their compliance with the specifications.

NVIP first objects to ADPSO criticism of its modifications to two of the benchmark input/output (I/O) routines called LREAD and LWRITE. As described in the RFP, LREAD is a Fortran random access I/O routine which reads a named file resident on a disc one word at a time until the correct start word in the file is reached, then performs one more read to fill the desired array. A particular piece of data is read by specifying its location in the file in terms of its displacement in words from the front of the file and the length in words of the desired segment, i.e., read five words beginning with the 27th word in the file. LREAD searches the file one word at a time until it reaches the specified starting point, then performs one last read to get the desired data and bring it into the computer. LWRITE uses the same basic process to move data from the computer to a desired location in the file. NVIP considered this to be cumbersome and rewrote these routines to read (or write) the entire file in one I/O.

NVIP also modified the specifications for data arrays on which LREAD and LWRITE operate. As drafted by ADPSO, these two subroutines were designed to access an array called JDAT of either 350 or 400 words in length, depending on the routine. Each JDAT array is, in effect, a subset of one of three 600-word logical records established at the outset of the benchmark programs. NVIP modified the JDAT arrays to be 600 words in length. The result of this change was that the entire record of 600 words had to be read each time it was accessed.

NVIP contends that the Navy should not have considered this a deficiency because the Navy "directed" NVIP to make these changes to the benchmark software. In this connection, NVIP asserts that during a three-way conversation among NVIP personnel and the ADPSO's technical representative, NVIP was advised that it could write the code so that the entire record could be written or read with one I/O. NVIP contends that Navy evaluators failed to

understand these changes because the technical representative left the Navy prior to the receipt of proposals and failed to advise either ADPSO or other offerors of these authorized changes.

ADPSO advises that the purpose of these routines was to test the capability of a vendor's system to read the JDAT array, or a portion thereof, without reading the entire 600-word record. ADPSO determined that NVIP's approach did not satisfy this requirement.

We think that ADPSO's evaluation of this aspect of NVIP's proposal was reasonable. The RFP provided that certain of the Navy-supplied benchmark software was required to be replaced and that other software could be replaced by vendor-supplied programs performing the same functions. Offerors were advised, however, that the benchmark programs could be modified only to the extent necessary to permit them to run on the vendor's system and were cautioned that the benchmark programs were not to be optimized to improve their efficiency; the logic of the programs was not to be changed. The RFP clearly stated the requirement for access to a field or portion of a record and described this feature as a requirement of the user's application programs. NVIP's changes to the benchmark software go beyond these strictures and result in a routine which does not meet the RFP's requirements. We think ADPSO was reasonable in its assessment.

Furthermore, we do not think that NVIP could reasonably have been misled into making these modifications on the basis of a conversation with a Navy technical representative. We note first that NVIP's modification to these routines is directly contrary to a mandatory requirement for access capability to a portion of a record. We note also that the RFP specifically advised offerors that oral modifications of the requirements were unauthorized. We think that it should have been obvious to NVIP that the capability to access a portion of a record was a mandatory requirement that could be changed only by a written amendment to the RFP. None of the 10 amendments to this solicitation permit program modifications of the scope undertaken by NVIP. Compare Genasys Corporation, B-190504, September 11, 1978,
78-2 CPD 182.

NVIP's second principal objection is to ADPSO's negative evaluation of NVIP's substitute for a bit manipulation function in the benchmark software. NVIP contends that ADPSO's evaluation was improper because its modified version of the software performs exactly the same as the original and, in any event, that it offered in its proposal to provide the bit manipulation capability within 2 weeks of contract award.

Some minimal background is necessary before discussing this question. Computers store alphanumeric information (characters) in the form of "bytes" which are fixed-length groups of "bits" or binary digits. Bits may be either 1 or 0. Each character has its own unique bit pattern within a particular computer. For instance, if we assume that a particular computer uses an eight-bit byte, the number 1 might always be stored internally as "00000001," and the letter "A" might always be "00010001." While a byte or character is normally the smallest unit of information used in a program, some applications require the ability to reference and change specific bits.

The RFP required vendors to provide a variable length bit manipulation capability, i.e., a function which would permit Navy programmers to alter the value of specific bits or strings of bits, to which NVIP provided two responses. First, NVIP stated in its technical proposal that it would provide a variable length bit manipulation capability within 2 weeks of contract award. Second, NVIP modified a bit manipulation function in the benchmark software to perform character substitution. In this latter regard, the Navy used a function supplied by the incumbent vendor called "FLD," which accomplishes bit manipulation by substituting n bits of a specified value for a specified string n-bits long; FLD was used in the benchmark to perform byte length substitutions beginning on byte boundaries, in effect performing character substitutions. In its program modifications, NVIP stated that its own FLD routine could not appear on both sides of the equal sign, as did the Navy's, and it substituted its own FLD routine in combination with two LOGICAL functions. NVIP did not explain whether its own FLD function performs bit or character manipulation and literature examined by ADPSO pertaining to NVIP's particular system indicates that the LOGICAL function used by NVIP performs character and not bit manipulation.

ADPSO concluded on this basis that NVIP's proposal did not meet its requirements.

We think that ADPSO's evaluation was reasonable. The RFP required that offerors explain in detail how each requirement would be met and the requirement for a variable length bit manipulation capability was clearly stated. NVIP's dual response, amounting to an offer to comply in one instance and an apparent noncomplying demonstration in the second instance, falls far short of a detailed explanation of how the requirement would be met. We have previously criticized mere offers of compliance with technical requirements where, as here, the RFP requires a detailed response. See Logic Systems, B-188997, November 23, 1977, 77-2 CPD 398. This criticism is equally applicable to a response which indicates, at best, a probability of noncompliance with a mandatory RFP requirement. We think this record supports the reasonableness of ADPSO's evaluation of this factor.

We have examined each of the other deficiencies cited by ADPSO in NVIP's proposal. In each instance, we find substantial support for ADPSO's position. Consequently, we find no basis upon which we might question the reasonableness of ADPSO's evaluation of NVIP's proposal. Furthermore, since NVIP did not establish its ability to meet the RFP's mandatory requirements, we cannot object to its exclusion from the competitive range. See Techniarts, B-192158, March 29, 1979, 79-1 CPD 213.

The protest is denied.

Deputy


Comptroller General
of the United States