

DECISION

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

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FILE: B-208184

DATE: September 16, 1983

MATTER OF: The Bendix Corporation

DIGEST:

1. A solicitation must clearly advise offerors of the broad scheme of scoring to be employed and give reasonably definite information concerning the relative importance of the evaluation factors in relation to each other. Based on comparison of solicitation's description of relative importance of evaluation factors to scoring scheme employed by procuring agency, GAO cannot find any inconsistency between solicitation and scheme.
2. A "will cost" analysis or cost realism analysis is separate and apart from a technical analysis. The results of both analyses are used to make an award determination. The "will cost" analysis does not neutralize the technical proposals or render them equal.
3. GAO's function in considering objections to the technical evaluations of proposals is not to evaluate proposals, but to examine the record and consider whether the procuring agency's determinations have been clearly shown to be unreasonable. Based on review of record, GAO cannot question agency's technical conclusions or award to higher cost offeror whose proposal was considered to be "significantly superior."

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The Bendix Corporation (Bendix) protests the award of a contract to Raytheon Company under request for proposals (RFP) No. N60921-81-R-A111, issued by the Department of the Navy (Navy), for the modernization of naval space surveillance transmitter field stations.

We deny the protest.

Essentially, Bendix is arguing that the Navy failed to adhere to the RFP's evaluation criteria and that, under the RFP, the technical proposal should have been evaluated on a "pass/fail" basis. In addition, Bendix argues that the Navy, after developing "will cost" figures and applying them to the proposals, should have concluded from a technical and risk standpoint that each proposal should receive the maximum technical score since any technical deficiency was, allegedly, taken into account by those figures. Bendix also objects to the Navy's technical evaluation in regard to two technical areas--"module circuit protection" and "spectral purity" (explained below).

The Navy's position is that the Bendix protest is without merit. The Navy contends that it followed the stated evaluation criteria and that it conducted a proper evaluation of all of the proposals. It is the Navy's belief that the RFP, when read as a whole, clearly set forth the evaluation criteria. The Navy also argues that its technical evaluation was proper. Furthermore, the Navy submits that the awarding of maximum technical points depends on the degree of technical risk involved and whether the technical support for the proposed approach is clear and convincing, not on the "will cost" analysis which is concerned with the cost realism of the approach.

The RFP, in pertinent part, provides:

"M. Evaluation and Award Factors

"M.1 General

"M.1.1 * * * Such factors shall be evaluated in the following descending order of importance: * * * [C]osts; Technical; Management; and Absolute Energy Use.

"Cost will be of significantly greater importance than each of the other three. Technical will be of more importance than the remaining two areas which will have equal importance.

"M.2.2 Technical Factors

"The performance specifications of the system proposed by the Offeror will be evaluated on the basis of:

- "A. Their meeting the minimum specification required.
- "B. The degree to which the offeror provides clear and convincing support for the appropriateness and effectiveness of his approach, equipment, and efforts.
- "C. The degree of technical risk involved in the offeror's proposed equipment and approach.

"Any performance specification which does not meet the minimum required will receive a score of 0. Performance specifications in excess of the minimum required will not result in a higher score. Performance specifications which meet or exceed the minimum required will receive a score based on the Government's evaluation of B and C above. Performance specifications which do not meet minimum requirements will not be scored for B and C above."

Concerning the "basis for award" of the contract, the RFP provided:

"M.3 Basis For Award

"M.3.1 Award will be made to that offeror whose proposal demonstrates that the system he offers to provide plus all efforts required in providing this system and meets all minimum performance specifications is considered to be to the best advantage of the Government, cost and other factors considered. The Government reserves the right to award to that offeror who meets the above criteria and whose proposal is within the funding limitation of the Government."

Bendix argues that the Navy, contrary to the terms of the RFP, based its award on the technical aspects of the proposals and the supporting documentation rather than cost.

A solicitation must clearly advise offerors of the broad scheme of scoring to be employed and give reasonably definite information concerning the relative importance of the evaluation factors in relation to each other. This, however, does not mean that the disclosure of the precise numerical weights to be used in the evaluation is required. See BDM Services Company, B-180245(1), May 9, 1974, 74-1 CPD 237.

The RFP did more than merely list the evaluation criteria in descending order of importance or priority, which we have recognized as an appropriate method for the disclosure of the relative weights of evaluation factors. See BDM Services Company, *supra*. Bendix argues, however, that the weighting system eventually utilized by the Navy (Cost-50 points; Technical-30 points; Management-10 points; Energy Usage-10 points) did not reflect the statements in the RFP that "[C]ost will be of significantly greater importance than each of the other three [evaluation factors]" and that "technical will be of more importance than the remaining two areas." Specifically, Bendix argues that the "Navy's weighting formula in fact represents an approach under which technical [--contrary to the RFP] is 'significantly more important' on a relative basis than either management or energy usage [at a ratio of 3 to 1 in importance] while cost [--again contrary to the RFP--] is merely of 'more importance' than technical [at a ratio of only 5 to 3]."

In our view, the 50 points allocated for cost when compared to the 30 points for technical represent a significantly greater amount and, obviously, when you compare cost to each of the remaining two evaluation categories (each allotted 10 points), the conclusion is the same; a comparison of the technical category (30 points) to the remaining two categories (20 points) also results in a consistency between the RFP and the actual scoring system implemented by the Navy.

Bendix argues, as noted above, that the impropriety of the weighting scheme is shown if one compares either the technical/management ratio (3:1) or the technical/energy use

ratio (3:1) to the cost/technical ratio (5:3) and then if one compares these ratios to the RFP narrative. We consider this argument to be based on an erroneous reading of the RFP. Specifically, paragraph M.1.1 of the RFP, above, does not expressly state that technical will be more important than each of the remaining two areas (management and energy usage); by contrast, the statement of cost's importance expressly states that cost will be significantly greater in importance than each of the "other three areas" (technical, management and energy use). Therefore, we consider that offerors should have reasonably read the RFP to mean that cost would be "more important" than the total weight assigned to both management and energy use. Thus, since the cost/technical weighting ratio (50:30) is greater than the technical/management-energy use ratio (30:20), we find the Navy did not fail to follow the RFP's stated evaluation criteria when it implemented the scoring system set forth above.

Bendix next argues that the evaluation of the technical proposals as set forth in the RFP was to be based on a pass/fail procedure unlike the actual method employed. Bendix contends that its position is bolstered by the fact that the RFP §M.2.2, supra, provides that "[p]erformance specifications in excess of the minimum required will not result in a higher score." Bendix submits that this statement made it reasonable for Bendix to conclude that the technical evaluation would be performed on a pass/fail basis. Furthermore, it is Bendix's belief that §M.2.2(B) and (C), supra, were "a means to determine whether [a] proposal as a whole should pass or fail technically."

We find Bendix's argument to be without merit. The technical factors narrative, §M.2.2, above, does not mention the term pass/fail nor does it describe such an evaluation procedure. Rather, the narrative provides that if a technical proposal meets or exceeds the minimum required, then and only then will it be subject to the scoring process which is based on two factors--(1) the technical support submitted with the proposal (§M.2.2(B)) and (2) technical risk (§M.2.2(C)). In other words, the meeting or exceeding of the minimum specification required is not in and of itself scored.

Bendix also argues that the application of the results of the "will cost" analysis essentially "neutralizes" the technical proposals and renders those proposals equal from a

"technical and risk standpoint" so that each proposal should receive the maximum available points. We do not agree with this argument. Two proposals can be technically equal and have different "will cost" results. Alternatively, two proposals can have similar "will cost" figures while being found to be significantly different technically. A "will cost" analysis or cost realism analysis is separate from a technical analysis.

Therefore, this aspect of Bendix's protest is denied.

With respect to Bendix's objections to the Navy's technical evaluation of its proposal, it is not the function of our Office to evaluate proposals in order to determine which should have been selected for award. The determination of the relative merits of proposals is the responsibility of the procuring agency, since it must bear the burden of any difficulties incurred by reason of a defective evaluation. Accordingly, we have held that procuring officials enjoy a reasonable degree of discretion in the evaluation of proposals, that such determinations are entitled to great weight, and that the determinations will not be disturbed unless shown to be arbitrary or in violation of the procurement statutes and regulations. Intermountain Research, B-209827, July 21, 1983, 83-2 CPD 103.

Bendix's objections are that: (a) its proposed transmitter system does not need to have "module circuit protection" as claimed by the Navy and, therefore, it should not have received a low technical score in this area; and (b) the Navy measurements for "spectral purity" were not accurate. Module circuit protection is a term used to describe a system to protect a component, or module, of an electrical device from electrical overload damage. Spectral purity (harmonic level) is a term used to describe the amount of unwanted frequencies that may be transmitted by an electrical transmitter.

Module Circuit Protection

Bendix submits that its system does not need to have this protection. Bendix insists that when the Navy asked, during the preaward questions and clarifications phase of this procurement, how Bendix proposed to provide "isolation and protection for the power amplifier modules from environmental factors," Bendix resisted the Navy's suggestion that a protection system was necessary. Bendix explains that its original design devices were inherently rugged and tolerant of "load mismatch" (a cause of electrical overload damage). Moreover, Bendix insists that "the first four of the five

transistors identified in the Bendix proposal will handle infinite Voltage Standing Wave Ratio (VSWR)." (VSWR is a ratio measurement technique used to describe the efficiency of coupling electrical energy from a source, such as a transmitter or output amplifier, to a load, such as an antenna.) Bendix then argues that since its transistors will handle "infinite" VSWR, no protection system is necessary. It is Bendix's belief that use of this system would provide no benefit while it would serve to decrease energy efficiency. Bendix also contends that since this feature of its transistors is commonly known in the industry and should be familiar to a qualified technical evaluator, Bendix, in light of the solicitation's limitation on the number of pages (150) that a proposal could contain, concluded that an elaborate explanation of the feature was unnecessary.

The Navy argues that Bendix did not submit sufficient data to permit a proper evaluation of the proposed circuitry. It is the Navy's position that the lack of a protection system was a serious defect in the Bendix proposal.

A proposer must establish the suitability and desirability of its proposed approach and that it will meet the Government's needs. See General Technology Applications, Incorporated, B-204635, March 22, 1982, 82-1 CPD 266. This burden is always present regardless of any page limitation imposed by an agency in the RFP. Although Bendix states that its approach does not need module circuit protection, we do not find that its proposal adequately supports its claim. Bendix cannot shift its burden by arguing that, since a qualified evaluator should be familiar with circuit protection concepts, it is not necessary for Bendix to submit supporting data. Bendix was specifically asked for an explanation as to how it proposed to provide a protection system. Consequently, Bendix bore the risk of providing an adequate response.

Furthermore, we note that in Bendix's explanation, above, of why its approach did not need a protection system, Bendix only addresses the first four transistors and is silent on the need for protection concerning the fifth transistor. Moreover, Bendix does admit that "[i]n case of a total antenna fault (short or open) amplifier damage may occur depending upon the transistors and the phase angle of the fault." Therefore, we believe that the system proposed by Bendix did not have module circuit protection and was subject to a type of damage that could have been prevented

by such protection. In this circumstance, we find that the Navy's evaluation, which assigned a low score in this area, was reasonable.

Spectral Purity

Individually transmitted radio, radar, and T.V. signals are to operate at specific radio frequencies. However, any transmitter has imperfections which cause unwanted frequencies to be transmitted. Generally, the transmitted signal is made up of a fundamental signal (which is the desired signal), harmonic signals (which are integral multiples of the fundamental signal), and other spurious signals. This makeup of the transmitted signal is sometimes referred to as the spectral content or spectral purity of the signal. Generally, harmonics are undesirable in a signal because they represent unwanted signals, unnecessarily consume power to transmit the unwanted signals, and may interfere with other fundamental signals which have the same frequency as the unwanted harmonic signals.

Any part of a radar system, from the transmitter to the antenna, may have inherent properties which cause harmonics to be absorbed or reflected so that they are not transmitted. Occasionally, other circuits are added, typically filters, which are designed to absorb or divert harmonic or spurious signals. Such devices are referred to as harmonic suppression devices. The total harmonic content, or spectral purity, of a signal consists of the amount of harmonic energy generated by the transmitter less any rejection due to the components of the system less any suppression designed into the system.

Bendix submits that it met the spectral purity requirements, 80-decibel level without the aid of filters, by the use of the "tuning circuitry of the amplifier, the antenna rejection and the gain roll-off of the transistors used in the amplifier." In addition, Bendix takes exception to the Navy's method for measuring antenna rejection since the method "measured the relative coupling between two closely spaced antennas with arbitrary orientation." Bendix suggests that the correct method would be to "measure the input antenna rejection at harmonic frequencies." Alternatively, Bendix argues that even if the Navy was correct, by its measurements the rejection would be 76 decibels, which is an insignificant difference from a technical standpoint.

The Navy once again contends the information submitted by Bendix did not convince the evaluators that adequate harmonic suppression techniques were included in Bendix's proposed design. After the Navy reviewed the proposed technique, it concluded that additional harmonic filter components might be required for the proposed module to meet the RFP specifications. Furthermore, the Navy advises that it performed an antenna harmonic rejection test using "two actual transmitter dipoles" to determine the amount of measured "harmonic rejection." At the conclusion of that test, the Navy found that Bendix's claimed calculated results could not be obtained. Furthermore, no supporting data was submitted by Bendix for the claims of calculated rejection, and it was not certain that the claims were based on measurements.

We find that the calculation method used by Bendix to show that it meets the 80-decibel level specifications is not as accurate as the measurement method used by the Navy in its antenna harmonic rejection test. Calculation methods in general are more theoretical in demonstrating capability or performance than measurement methods which are based on actual demonstrations of capability and performance. While Bendix does challenge the validity of the Navy's measurement method, we find that Bendix has not demonstrated why the Navy's method was incorrect. Our review indicates that the Navy's use and implementation of the measurement method were reasonable. Furthermore, we cannot agree with Bendix's alternative argument that rejection of 76 decibels rather than 80 is insignificant from a technical standpoint. The difference is a "2.5 to 1 power" difference which may in fact be significant in certain circumstances.

In light of the Navy's technical evaluation and its associated finding that Raytheon's technical proposal was "significantly superior" to the Bendix proposal, we cannot question the award to Raytheon at a higher cost.

Bendix's protest is denied.

for Milton J. Douglas
Comptroller General
of the United States