

DECISION

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

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PK-I
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FILE: B-215266

DATE: November 13, 1984

MATTER OF: Mictronics, Inc.

DIGEST:

1. Navy had reasonable basis to reject protester's initial proposal as technically unacceptable where proposal contained informational omissions and lacked supporting data required by the solicitation and considered significant to the achievement of technical requirements. Proposal defects could not have been cured without a complete revision.
2. A technical evaluation must be based on information submitted with the proposal. No matter how capable an offeror may be, if it does not submit an adequately written proposal, it will not be considered in the competitive range or in line for discussions in a negotiated procurement.

Mictronics, Inc. (Mictronics), protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. N00612-84-R-0176 issued by the Regional Contracting Department, Naval Supply Center (Navy), Charleston, South Carolina. The Navy excluded Mictronics' proposal from the competition because it was considered to be incapable of being made technically acceptable without a complete revision. On July 23, 1984, the Navy informally advised us that award was made prior to the resolution of the protest. We deny the protest.

The RFP requested offers for the design, fabrication, and installation of 11 commercial grade "land mass simulators" and one "active status display system." The RFP advised offerors that technical proposals had to be sufficient to address each aspect of the technical requirements, demonstrate comprehensive knowledge and understanding of the scope and degree of technical effort required for successful performance of the work, and show the offeror's understanding of the problems involved, as well

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as providing specific approaches for their resolution. Offerors were instructed to present a detailed presentation of what they intended to do, supported with drawings, data, examples, or other details to clearly show understanding of the specifications and an intent to meet them fully. The RFP also cautioned offerors that any omission of information considered significant to the achievement of technical requirements might be cause for considering the proposal unacceptable.

Technical proposals were evaluated based on the following evaluation factors set out in the RFP in descending order of importance:

- "A. Technical Design
- B. Software Requirements
- C. Installation Requirements
- D. Testing."

The purpose of the evaluation was to determine whether proposals were:

- "(a) Technically acceptable; or
- (b) Technically unacceptable, but reasonably susceptible of being made technically acceptable by additional information clarifying or supplementing but not basically requiring an extensive revision of the proposal, or
- (c) Technically unacceptable."

The RFP advised that award of the contract would be made to the lowest priced, responsible offeror whose technical proposal had been evaluated and determined to be acceptable.

The Navy reports that three offerors submitted proposals in response to the RFP. Mictronics' proposal received a low technical score compared to the other offerors who received substantially higher scores, which, for the most part, were twice that of Mictronics' score. Each offeror's proposal was independently evaluated by three evaluators using a "Technical Approach Factor Scoring Scale." The evaluation resulted in offerors being rated

under sections (a), (b), or (c), mentioned above. Mictronics' proposal was rated technically unacceptable because it contained informational omissions and lacked adequate supporting data considered significant to the achievement of technical requirements.

Mictronics admits that "it mistakenly assumed that an elaborate proposal would not be necessary." Nevertheless, the crux of its argument is that its proposal could have been clarified or supplemented without an extensive revision and, therefore, it should have been acceptable under section (b). Mictronics states that the technical unacceptability determination is questionable because the Navy is aware that the company is currently manufacturing a similar land mass simulator for the Navy. Mictronics argues that by not allowing it to compete, the cost of the procurement could increase by as much as 75 percent.

We have stated repeatedly that the determination of whether a proposal is within the competitive range, including the exclusion of an initial proposal from the competitive range, particularly with respect to technical considerations, is a matter of administrative discretion, which we will not question in the absence of the protester showing that the agency's judgment lacked a reasonable basis or violated procurement statutes or regulations. See Frequency Engineering Laboratories, B-212516, Feb. 7, 1984, 84-1 C.P.D. ¶ 151; Decilog, B-198614, Sept. 3, 1980, 80-2 C.P.D. ¶ 169. A contracting agency may properly exclude a proposal from the competitive range if the informational deficiencies are so material that major additions and revisions would be required to make the proposal acceptable. There is no requirement that an agency permit an offeror to revise an initial proposal when the revision would be tantamount to the submission of a new proposal. Where a solicitation includes specific instructions to address the solicitation's mandatory requirements, offerors are notified that they risk rejection if they fail to do so. Frequency Engineering Laboratories, B-212516, supra.

Based on these principles, and Mictronics' own admission, we conclude that the Navy's decision to exclude Mictronics' initial proposal from the competitive range was proper regardless of cost consideration, which, in any event, did not favor Mictronics, according to the Navy. Several of the omissions, of which a few were mentioned to

Mictronics at the Navy's debriefing, were considered by the Navy to be major. For example, the Navy found that a major area of deficiency in Mictronics' proposal was its technical design. The RFP stated that the design shall have a complete description of the enhanced system keyed to a separate block diagram and with input/output signal flows identified. Mictronics' proposal did not contain this description and important signal flow information was omitted from the block diagram. Mictronics also neglected to include the design for the "active data display system" and omitted signal flows. Another area of concern was that Mictronics' new units of subassemblies to be replaced or modified were not clearly identified. There was a lack of correlation to the equipment list and the hardware was not labeled, so that the presentation was unclear. Further, the RFP advised that particular attention should be given to providing a functional description of the overall enhanced system with identification of the means by which each function is to be performed (i.e., hardware, software, etc.). Mictronics' proposal did not meet this description requirement either.

Given that Mictronics' proposal, in several instances, omitted technical information specifically requested by the RFP and that the other offerors were found technically acceptable with substantially higher technical scores, we believe the Navy had a reasonable basis to conclude that Mictronics' proposal would require a complete revision.

The fact that the Navy was aware of Mictronics' current contract to manufacture land mass simulators is irrelevant, particularly since offerors were cautioned about submitting an incomplete proposal. A technical evaluation must be based on the information submitted with the proposal. No matter how capable an offeror may be, if it does not submit an adequately written proposal, it will not be considered in the competitive range or in line for discussion in a negotiated procurement. Frequency Engineering Laboratories, B-212516, supra.

Mictronics argues that the omissions were minor, especially because some of the information could have allegedly been supplied by reference to its current contract. Mictronics' disagreement with the agency's technical evaluation, however, does not render the evaluation unreasonable. Therefore, we conclude that Mictronics has not shown that the Navy's decision to reject its proposal as technically unacceptable was unreasonable.

Further, we conclude that Mictronics' allegation that the cost of the procurement will increase by not allowing it to compete is conjecture.

The protest is denied.

Sheldon J. Aorlan
for Comptroller General
of the United States