



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Communications and Data Systems Associates  
File: B-223988  
Date: October 29, 1986

### DIGEST

1. In negotiated procurements, since the agency's technical evaluation is based upon information submitted with the proposal, the burden is clearly on the offeror to submit an adequately written proposal. Therefore, proposal with numerous and material technical informational deficiencies may be rejected as technically unacceptable where the proposal demonstrates that the offeror did not understand or did not make the effort to adequately address the solicitation's requirements.
2. It is not generally the General Accounting Office's function to appraise the qualifications of agency contracting personnel, and with nothing more than the protester's opinion that technical proposal evaluators lack sufficient experience, we will not examine or question the evaluators' qualifications.
3. Protest that members of the technical evaluation team were biased is denied where there is no evidence in the record to support the protester's bare allegation.
4. Price need not be considered before a proposal is rejected due to the omission of material technical information.

### DECISION

Communications and Data Systems Associates (CADSA) protests the National Aeronautics and Space Administration's (NASA) decision to exclude it from the competitive range following evaluation of initial proposals in response to request for proposals (RFP) No. 9-BE4-10-6-7P. The RFP is for the performance of analytical tasks for the Space Shuttle communications and tracking (C&T) system consisting primarily of signal design and interface compatibility analyses which are to be presented to NASA in written reports. CADSA

C27272 131515

principally contends that its proposal was "fully responsive" to the RFP and therefore should have been included in the competitive range. CADSA also questions the experience and qualifications of the NASA evaluation team.

We deny the protest.

#### BACKGROUND

The RFP provided that the government would award a contract to the responsible offeror whose offer conforming to the solicitation is the most advantageous to the government, cost or price and other factors considered. The RFP contemplated the submission of separate technical and cost proposals. The solicitation's instructions for preparation of technical proposals cautioned offerors that technical proposals should be "specific and complete," should demonstrate a thorough understanding of the requirements of the statement of work, and should present a logical plan for solving the problems associated with the work. Further, technical proposals were required to include, where applicable, sketches, drawings, descriptions of new techniques, and a complete explanation of the procedures offerors proposed to follow.

The RFP specified that various areas of information were required to be addressed by each offeror in its proposal, -- generally including discussions of technical problems for various tasks and methods proposed to solve those problems, names of important technical personnel, extent of proposed computer usage during performance of the contract, and implementation plans with time schedules for completion of the contract work. The RFP contained the following evaluation factors for award:

1. Mission Suitability Factors and Associated Evaluation Criteria
  - A. Understanding Overall Statement of Work Requirements
  - B. Understanding Shuttle C&T Systems and Interfaces
  - C. Approaches to Performing Shuttle C&T Analyses
  - D. Key Personnel
2. Company Experience and Past Performance Factors

3. Cost Factor

4. Other Factors

Of the above four listed factors, factor 1 (Mission Suitability) and factor 3 (Cost) were stated to be most important and, in relation to each other, were of approximately equal importance. Factor 2 (Company Experience and Past Performance) was of "somewhat less importance," while factor 4 (Other Factors) was of "considerably less importance."

At the completion of the evaluation process, CADSA's proposal was rated substantially inferior to the other proposals received.<sup>1/</sup> Because of the low rating, CADSA's proposal was deemed to be unacceptable and was excluded from the competitive range. The evaluators generally concluded that CADSA's proposal was in large measure superficial and did not demonstrate a technical understanding of the work, lacking detailed responses to the RFP requirements. For example, regarding factor 1.A, (Mission Suitability-Understanding of Overall Statement of Work), NASA found that CADSA's proposal contained superficial discussions of the tasks required by the statement of work. Specifically, while the statement of work required evaluation of nonstandard payloads for compatibility with Shuttle C&T interfaces, NASA found that there was no discussion of what constitutes a nonstandard payload for Shuttle flights or what are the specific interfaces and their data rates that would be required. Under factor 1.B. (Understanding Shuttle C&T Systems and Interfaces), NASA found that the whole existing Shuttle system was summarized by CADSA in 19 lines of text and that many items in the statement of work were merely restated by CADSA in its proposal with little additional information provided. This same lack of detail was prevalent throughout CADSA's

---

<sup>1/</sup> While our Office has been furnished the evaluation reports and other relevant exhibits concerning this protest, the agency, which still has not selected a successful offeror, considers these documents to be privileged and has not provided them to the protester. Although we therefore are unable to reveal technical scoring and cost details concerning the evaluation, our decision is based on a review of all relevant reports and exhibits submitted to our Office by NASA.

discussions of other tasks. For example, there was no discussion of the interfaces of the new S-Band Phased Array Antenna with the existing orbiter system or the impact such a system might have on C&T operations. Similarly, CADSA's discussion of "Multitarget Tracking Radar" had the same weakness.

Under factor 1.C. (Approaches to Performing Shuttle C&T Analyses), CADSA's proposal stated that analyses would be performed by "[u]sing agreed upon mathematical and functional models . . . ." and that "[l]inks and interfaces will be simulated using JSC (Johnson Space Center), CADSA [and other] simulation tools." NASA states that this was the extent of the technical discussion. There was no technical discussion of the capability or applicability of these various tools or the technical approach in which they would be used. Further, there was no discussion of how any additional models would be developed. NASA, therefore, determined that CADSA simply did not address all technical areas as required, although under factor 1.D. (Key Personnel), CADSA's proposal was found to offer very well qualified people with direct relevant experience. Further, under factor 2 (Company Experience and Past Performance), NASA found that CADSA merely stated that its "commercial client list contains more than fifty companies, both large and small." CADSA then listed the names of 10 firms, with short summaries of CADSA's work for them, with the statement that "[d]etails on CADSA's work for the above and other companies are lengthy, but will be provided upon request along with information on the customer points of contact." Thus, the crux of NASA's finding was that CADSA's proposal as a whole was superficial and lacking in sufficient detail to demonstrate a thorough understanding of the work.

#### CONTENTIONS BY CADSA

CADSA admits that the discussions in its proposal were "sometimes brief." CADSA argues, however, that the statement of work was general and the solicitation did not specify the level of technical detail required in proposals. CADSA further states that its proposal contained a "much greater level of detail" than has been required by NASA in unspecified past procurements, upon which it apparently relied in

believing that its "brier" proposal would be acceptable.<sup>2/</sup> We also discuss other additional allegations by CADSA below.

#### ANALYSIS

In reviewing protests concerning proposals which have been rejected due to information deficiencies, this Office looks at the extent to which the solicitation called for detailed information. We also consider whether the omissions show that the offeror did not understand what it would be required to do under the contract, and whether the proposal as submitted was either inferior but susceptible of being made acceptable or so deficient that an entirely new proposal would be needed.<sup>3/</sup> Finally, we look at the number of other offerors in the competitive range and at the potential cost savings offered by the rejected proposal. Electrospace System, Inc., 58 Comp. Gen. 415 (1979), 79-1 CPD ¶ 264; Informatics, Inc., B-194926, July 2, 1980, 80-2 CPD ¶ 8.

Here, despite CADSA's assertions and, as we have already indicated, the RFP called for specific, detailed information with which offerors were required to demonstrate a thorough understanding of the requirements. After an examination of CADSA's proposal, we see nothing unreasonable in NASA's determination to exclude it from further consideration. For example, under the criterion, "Mission Suitability," the most important technical criterion for proposal acceptability, and its subfactors, CADSA's proposal had brief technical responses to the various tasks that had to be addressed, without providing technical detail or substantiation. For example, under the criterion, "Understanding Shuttle C&T Systems and Interfaces," offerors were required to discuss how they would propose implementation of Global Positioning

<sup>2/</sup> CADSA also requests that our Office conduct an independent evaluation of its proposal following our own investigation of these matters. However, in reviewing cases concerning an agency's technical evaluation, it is neither the function of our Office to independently reevaluate the proposals in order to determine which should have been selected for award, Underwater Systems, Inc., B-199593, May 6, 1981, 81-1 CPD ¶ 350, nor is it our practice to conduct investigations pursuant to our bid protest function for the purpose of establishing the validity of a protester's position. Mission Economic Development Association, B-182686, Aug. 2, 1976, 76-2 CPD ¶ 105.

<sup>3/</sup> Even a proposal which is technically acceptable or susceptible of being made acceptable may be excluded from the competitive range if, relative to all proposals received, it does not stand a real chance for award. Hittman Associates, Inc., 60 Comp. Gen. 120 (1980), 80-2 CPD ¶ 437.

System (GPS) tracking capabilities for the Shuttle. CADSA merely discussed the functional elements of a typical GPS receiver and the consequences of incorporating such a system in two paragraphs of text with two figures. There was no technical discussion of interfaces. There was no discussion of Shuttle operations which might be impacted by the GPS system. Instead, CADSA stated that "proposed GPS interfaces will be identified . . . ." in the future. We think that NASA reasonably found that at least some of these interfaces should have been identified in the proposal to demonstrate understanding of the problem.

As another example of material omissions from its proposal, under the criterion, Approaches to Performing Shuttle C&T Analysis, offerors were required to discuss their approaches to the task of evaluating Shuttle Orbiter C&T interfaces with space station elements. CADSA's discussion was general and contained no detailed discussion of analytical technical approaches, contained no discussion of computer models, and, in fact, NASA concluded that it contained no technical discussion at all except for the repetitive usage of general phrases "over and over." Further, under the criterion, Company Experience and Past Performance, we find, as NASA maintains, that CADSA's textual submission was very brief and general. In this regard, CADSA contends that the experience of key personnel should be attributed to the company (CADSA employs very experienced former NASA employees). However, the RFP made a clear distinction between experience of the company and experience of key personnel. Overall corporate experience was here separately evaluated from the experience of individual employees, which was also evaluated. We have long recognized this distinction and consider NASA's separate evaluation of these areas to be proper. SBD Computer Services Corp., B-189650, Dec. 21, 1976, 76-2 CPD ¶ 511.

We, therefore, find that an overall view of CADSA's proposal demonstrates that NASA reasonably found that the firm either did not understand, or did not make the effort to adequately address, the solicitation's requirements, and thus it is apparent that a virtually new proposal would have been necessary. Informatics, Inc., supra. Concerning CADSA's reliance upon past procurements in its assessment of how much detail to present to NASA in its proposal, an agency's technical evaluation is dependent upon the information furnished in the proposals, and the burden is clearly upon the offeror to submit an initial proposal that is adequately written. Sevrite International, Ltd., B-187197, Oct. 8, 1976, 76-2 CPD ¶ 325. Since the RFP clearly sought a detailed technical

response, we think that CADSA's reliance on past procurements was misplaced and unreasonable. Accordingly, this protest ground is denied.

#### OTHER CONTENTIONS

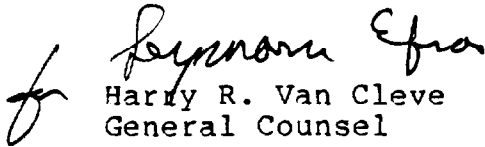
Next, CADSA alleges that the evaluation team was inexperienced. CADSA states that because certain CADSA principals are former NASA employees, several current NASA employees were disqualified as a result of their past association with these CADSA employees. According to CADSA, this left inexperienced people on the evaluation panel. In response, NASA states that the evaluation team, collectively, had more than 80 years of government service and 50 years of experience in the communications and tracking area. CADSA remains unconvinced and questions the credentials of certain named individuals. It generally is not the function of our Office, however, to appraise the adequacy of the qualifications of agency contracting personnel. Joseph Legat Architects, B-187160, Dec. 13, 1977, 77-2 CPD ¶ 458. It is our view that the important and responsible positions held by agency evaluators constitute prima facie evidence that they are qualified to hold those positions, and with nothing more than the protester's statements that certain evaluators have insufficient experience, we have no basis for examining or questioning evaluators' qualifications. Ads Audio Visual Productions, Inc., B-190760, Mar. 15, 1978, 78-1 CPD ¶ 206.

CADSA also alleges the existence of bias on the part of the evaluators apparently because, in a statement to our Office, they explained that the CADSA proposal was "substantially inferior," and of "[no] value to the government at any price." The protester also suggests that an unbiased evaluator could not have found its proposal to be unacceptable. The protester has the burden of affirmatively proving its case; unsupported allegations do not satisfy this burden. J.L. Associates, Inc., B-201331.2, Feb. 1, 1982, 82-1 CPD ¶ 99. Further, we will not attribute unfair or prejudicial motives to procurement officials on the basis of inference or supposition. See Architectural Preservation Consultants; Resource Analysts, Inc., B-200872, et al., Dec. 8, 1981, 81-2 CPD ¶ 446. Neither the statements quoted above, nor the nonselection of the protester's proposal, establish, in our view, bias on the part of the evaluators. Rather, as we have already found, the record shows that the protester's proposal was reasonably rejected as unacceptable for material informational deficiencies. We also deny this protest ground.

Finally, CADSA also complains that NASA should have given prime consideration to the fact that its offered price was much lower than that of any other offeror before rejecting

its proposal. The firm's position is without merit. The purpose in having price as an evaluation factor in a negotiated procurement is to insure that the prices proposed by qualified offerors who submit acceptable proposals will be taken into account prior to the making of awards to higher priced offerors on the basis of technical superiority considerations alone. That purpose does not extend to considering the offered prices of firms whose proposals are wholly unacceptable. 53 Comp. Gen. 1 (1973).

The protest is denied.

  
Harry R. Van Cleve  
General Counsel