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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Electronic Warfare Associates

File: B-224504, B-223938

Date: November 3, 1986

DIGEST

1. When an in camera review of an agency's technical evaluation, which concluded that the protester's proposal was technically unacceptable, shows that evaluation was reasonable and consistent with solicitation's evaluation scheme, the General Accounting Office will deny the protest. Agency's use of evaluation subfactors such as recentness of experience is proper when the subfactors are reasonably related to or encompassed by stated evaluation criteria, read together with the statement of work and specific experience requirements in the solicitation.

2. When proposal fails adequately to describe experience of key personnel and corporation under prior contracts or to relate that experience to the work to be performed under the protested contract, agency's elimination of offeror from the competitive range, without discussions, is not unreasonable.

3. Agency has no obligation to conduct discussions with an offeror whose initial proposal is either technically unacceptable or so deficient in information that it is not reasonably susceptible of being made acceptable without major revisions.

4. Cancellation of request for proposals set aside for small business and resolicitation on unrestricted basis is proper where all small business proposals are found technically unacceptable.

DECISION

Electronic Warfare Associates protests the determination that its proposal was technically unacceptable under request for proposals (RFP) No. N60530-86-R-0206. The RFP covered technical and analytical support services for testing and evaluation of electronic warfare programs at the Naval Weapons Center, China Lake, California. The protester argues

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that the Navy improperly evaluated its proposal against undisclosed criteria, resulting in an improper cancellation of the RFP, which it seeks to have reinstated. Electronic Warfare also protests any award of the same requirement under the resolicitation, RFP No. N60530-86-R-0469. We deny the protest.

The initial solicitation, issued April 8, 1986, was set aside for small business concerns; it contemplated a cost-plus-fixed-fee, indefinite quantity, level of effort contract. The RFP included a statement of work that listed general and specific tasks. It also provided precise, minimum educational and experience qualifications for certain key personnel and required resumes for those personnel. Additionally, it provided broad categories of necessary corporate experience. For evaluation purposes, the solicitation listed the following criteria and subcriteria in descending order of importance:

1. Technical

- a. Personnel
- b. Corporate Experience
- c. Approach/Understanding

2. Cost

Offerors were to submit separate cost proposals that would be analyzed for cost realism.

The Navy received proposals from the protester and two other small businesses, RAMCORP, Inc. and SRS Technologies. The Navy determined that Electronic Warfare's and RAMCORP's proposals were technically unacceptable and not capable of being made acceptable except with major revisions. Therefore, it did not include either in the competitive range. The agency found SRS Technologies' proposal marginally acceptable but, after discussions, concluded that it could not be made technically acceptable either. Because all three proposals thus were technically unacceptable, the agency canceled the RFP on July 9 and, on July 31, reissued the solicitation on an unrestricted basis. Until it makes an award, the agency declines to conduct a debriefing of Electronic Warfare.

The Navy determined that Electronic Warfare's proposal was technically unacceptable primarily for failure to demonstrate that either its proposed personnel or the corporation have

the requisite experience.^{1/} Electronic Warfare was judged weak in not offering to provide personnel who had up-to-date technical experience and knowledge. The evaluation team found that although proposed personnel had previous experience in electronic warfare testing, all analysts lacked experience in the "latest systems and procedures." The evaluators also found that Electronic Warfare's proposal contained minimum documentation of corporate experience associated with operational test and evaluation, Department of Defense range test operations, Navy fleet tactical development and evaluation programs, and program management. Under the approach and understanding criterion, the evaluation team found that Electronic Warfare's proposal was overly simplified and did not discuss range facilities, test instrumentation systems, electronic warfare concepts, current electronic warfare projects, or fleet tactics. The Navy maintains that up-to-date technical experience and knowledge is critical in an area that is undergoing rapid technological changes due in large part to advances made at the Naval Weapons Center. Additionally, the Navy states that because of the impact of the services on fleet operations, the contractor must have the requisite experience and knowledge from the beginning of the contract.

Electronic Warfare Associates complains that in at least three instances the Navy evaluated its proposal based on undisclosed criteria or on an unreasonable basis. First, the protester maintains that the RFP did not require recent experience for personnel except in the area of tactical aircraft. Although the protester argues that its proposed personnel possess experience in the latest electronic warfare systems, it contends that if the Navy needed recent experience in areas other than tactical aircraft, it should have set out the requirement in the RFP. Second, the protester maintains that its proposal included a complete discussion of the required corporate experience. Third, concerning approach and understanding, the protester argues that the RFP does not indicate that offerors should discuss or that proposals would be evaluated on range facilities, test instrumentation systems, electronic warfare projects, or fleet tactics.

^{1/} There is no indication in the record that the agency evaluated Electronic Warfare's cost proposal. We note that because the protester's technical proposal was found technically unacceptable, its cost proposal need not have been evaluated. Blane Enterprises, Inc., B-220619, Nov. 14, 1985, 85-2 CPD ¶ 557.

In reviewing protests concerning the evaluation of proposals and the resulting determination of whether a proposal is in the competitive range, our Office's function is not to reevaluate the merits of proposals and make our own determinations. This is the responsibility of the contracting agency, which is most familiar with its needs and must bear the burden of any difficulties resulting from a defective evaluation. Logistic Services International, Inc., B-218570, Aug. 15, 1985, 85-2 CPD ¶ 173. Procuring officials have a certain degree of discretion in evaluating proposals, and we will examine an agency's evaluation only to ensure that it had a reasonable basis. Maxima Corp., B-220072, Dec. 24, 1985, 85-2 CPD ¶ 708. Generally, offers that are technically unacceptable as submitted and would require major revisions to become acceptable are not for inclusion in the competitive range. Rice Services, B-218001.2, Apr. 8, 1985, 85-1 CPD ¶ 400. Mere disagreement with the agency's evaluation does not itself render the evaluation unreasonable. MetaMetrics, Inc., B-219524, Oct. 3, 1985, 85-2 CPD ¶ 377. Although the protester has the burden of showing that the agency's evaluation was not reasonable, the Navy has disclosed limited information to the protester because it is withholding contractor selection on the resolicitation pending our decision on this protest. Consistent with our practice in such situations, we have examined the record in camera to determine whether the evaluation had a reasonable basis. Pharmaceutical Systems, Inc., B-221847, May 10, 1986, 86-1 CPD ¶ 469.

Here, we find the technical evaluation of Electronic Warfare's proposal and its exclusion from the competitive range reasonable and not inconsistent with the evaluation criteria set forth in the RFP.

In connection with key personnel experience, the fact that the Navy's evaluation took into account prior experience in the specific areas of expertise required by the RFP, along with the recentness of that experience, does not contravene anything in the RFP. Although the RFP specifically mentioned recent experience only for tactical aircraft, we believe that the RFP adequately put offerors on notice of the general areas in which resumes would be evaluated, and it is well settled that an RFP need not set forth with specificity the subfactors to be evaluated as long as they are reasonably subsumed within the general evaluation areas. GTE/IS Facilities Management Corp., B-186391, Sept. 7, 1977, 77-2 CPD ¶ 176. Further, we have stated that determinations concerning responsibility-type requirements such as

experience are properly based on the most current information available. Engine & Equipment Co., Inc., B-199480, May 7, 1981, 81-1 CPD ¶ 359. Here, given the highly technical nature of the proposed contract, we consider the Navy's evaluation of the recentness of the key personnel experience to be reasonably related to the evaluation criteria set forth in section M of the RFP when they are read together with the statement of work and the minimum experience requirements for key personnel stated in the RFP.

Further, despite the protester's statements to the contrary, we find no documentation in Electronic Warfare's proposal establishing that all proposed key personnel possessed recent experience or even met the minimum experience requirements. For example, the RFP required the senior engineer/analyst and engineer/analyst to have 5 years and 3 years, respectively, minimum knowledge of procedures, facilities, and capabilities at the Navy's China Lake electronic warfare test facility and at two other specifically listed Department of Defense (DOD) test ranges, particularly with regard to range and test instrumentation requirements. In the resumes Electronic Warfare submitted for its proposed senior engineer/analyst and the two proposed engineer/analysts, neither the recentness nor the total number of years at the listed test ranges is discernable, since no dates are given. Rather, total number of years are merely summarized on a table listing various types of experience, without dates or specific facilities.

Further, although the proposal states that the proposed senior engineer/analyst is "thoroughly familiar with the capabilities of the EWTES [China Lake] test range," the submitted resume lists no specific experience at that test range or either of the other DOD test ranges listed in the RFP. For proposed engineer/analysts, Electronic Warfare's proposal makes general statements of test range experience; however, specific dates and facilities are not established in the resumes. Only one of the proposed engineer/analysts claims experience at China Lake, and there is no listing of experience at the other required test ranges. The other proposed engineer/analyst's resume fails to mention experience with all of the required test ranges.

Similarly, Electronic Warfare has failed to rebut the deficiencies cited in the agency report concerning corporate experience. For example, the RFP required offerors to "narrate fully" experience in the areas including "operational and test evaluation of Department of Navy tactical electronic warfare equipment (specifically EA-6B radar warning receivers

and deception repeaters), weapon systems and surface-to-air countermeasures tactics (3 year minimum experience)." The experience Electronic Warfare lists in its proposal with EA-6B equipment is either during the Vietnam era or not dated. Concerning surface-to-air countermeasures tactics, the protester's proposal states that it "conducted operational evaluation of computer-controlled, multisensor, air-to-ground weapons systems, electronic warfare warning/self-protection systems, and air-to-ground conventional/special weapons, and that it planned, supervised, and flew flight tests to develop tactics/countermeasures for Naval aircraft. No specific dates, programs, or locations concerning the surface-to-air experience are given. Other corporate experience also is described minimally, without specific dates, programs or locations.

The protester argues that even if there were uncertainties in its proposal as to corporate experience, they were suitable for resolution through negotiations. We find no merit to this contention. An agency's technical evaluation depends upon the information furnished in the proposal, and the burden is upon the offeror to submit an initial proposal that is completely and adequately written. See Digital Radio Corp., B-216441, May 10, 1985, 85-1 CPD ¶ 526. While a basic goal of negotiation is to point out deficiencies so that offerors in the competitive range may revise their proposals, there is no obligation on the agency's part to conduct discussions with an offeror whose initial proposal is so deficient that it is excluded from the competitive range. This rule applies to information deficiencies as well as technical deficiencies. Id. See Simulators Ltd., Inc., B-219804, Dec. 4, 1985, 85-2 CPD ¶ 625, aff'd on reconsideration, Jan. 23, 1986, 86-1 CPD ¶ 76 (when proposal fails adequately to describe work under prior contracts or to state how that work relates to that to be performed under the protested contract, its evaluation as unacceptable is not unreasonable).

Concerning technical approach and understanding, we find the subordinate factors used in the agency's evaluation reasonably related to the evaluation criteria established by the RFP. In the instructions to offerors, the RFP requested them to "detail fully your company's approach/understanding of the requirement of the RFP." Additionally, the RFP generally warned offerors that proposals must contain sufficient information to permit a detailed evaluation. As we previously discussed, while an evaluation must conform to the scheme set forth in the solicitation, the procuring agency is not required to identify the various aspects of the major

criteria, provided that the aspects are reasonably related to or are encompassed by the stated criteria. SETAC, Inc., 62 Comp. Gen. 577 (1983), 83-2 CPD ¶ 121.

Here, the areas in which the agency found the protester's approach and understanding deficient were either areas specifically mentioned in the RFP as necessary experience requirements or were reasonably related to the requirements established by the RFP and the statement of work. For example, experience with Department of Defense electronic warfare test ranges and participation in fleet tactics are specifically mentioned in two of the seven areas of corporate experience for which the RFP requires a full narration. Further, there is a direct correlation between current electronic warfare and the entire range of services requested by the RFP. Accordingly, we see nothing improper in this aspect of proposal evaluation.

The protester also complains that, despite its request, the agency refuses to conduct a debriefing. Before award, however, an offeror whose proposal is excluded from the competitive range is entitled to only a general explanation of the basis for rejection. S & Q Corp., B-219420, Oct. 28, 1985, 85-2 CPD ¶ 471. After award of the contract, Electronic Warfare may request and will be entitled to a full debriefing.

Finally, because we find the Navy's evaluation of Electronic Warfare's proposal reasonable, and because none of the other proposals was found technically acceptable, we find nothing improper in the cancellation of the RFP and subsequent resolicitation. Science and Management Resources, Inc., et al., B-212628 et al., Jan 20, 1984, 84-1 CPD ¶ 88. The Federal Acquisition Regulation recognizes that a small business set-aside may be withdrawn by the contracting officer when it is determined that award under the set-aside would be detrimental to the public interest. 48 C.F.R. § 19.506 (1985).

The protest is denied.

for 
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General Counsel