



The Comptroller General
of the United States

Washington, D.C. 20548

Zelkowitz
RC-III

Decision

Matter of: Singer Company, Librascope Division
File: B-227140
Date: September 8, 1987

DIGEST

Nineteen-day period allowed for submission of best and final offers, following an amendment changing the relative weights of evaluation criteria, was not unreasonable where it is not shown that additional time was needed to revise proposals, and it does not appear that the change in criteria prejudiced the protester's competitive position in any event.

DECISION

The Singer Company, Librascope Division, protests the amended terms of request for proposals (RFP) No. N66001-86-R-0218, issued by the Department of the Navy, Naval Ocean Systems Center. The RFP contemplates the award of a fixed-price, incentive contract for the modernization of the MK 53 attack console, a component of the computer fire control system of fast frigate class ships. Singer contends that the time period between issuance of an amendment modifying the relative weights of the evaluation criteria and the due date for best and final offers (BAFOs) was insufficient to allow the revision of its proposal to accommodate the substantial changes to the evaluation criteria.

We deny the protest.

Under the terms of the solicitation, selection of the contractor is to be based on three evaluation criteria: technical merit, cost and management. As initially issued, the RFP provided that technical merit was significantly more important than the other two factors but that cost remained an important consideration and was more important than the management factor. After receiving initial and revised proposals from four offerors, the contracting officer, upon direction from the Assistant Secretary of the Navy (Shipbuilding and Logistics), issued an amendment modifying the relative weights of the evaluation factors: cost was made equal in weight to the combined weights of the other

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two criteria, while technical merit remained more important than management.

Two days after issuance of this amendment, the contracting officer issued a request for BAFOs to all four offerors. The request provided 19 days for the submission of these revised offers. All four firms submitted BAFOs by the prescribed closing date. Singer, however, also filed a timely protest with our Office challenging the 19 day time period as to short for preparation of BAFOs.

Contracting agencies have broad discretion to amend the terms of a solicitation, including the relative weights of evaluation criteria, see Galler Associates, Inc., B-210204, May 16, 1983, 83-1 CPD ¶ 515, and to establish the timeframe for submission of BAFOs. See Drexel Heritage Furnishings, Inc., B-213169, Dec. 14, 1983, 83-2 CPD ¶ 686. The only restriction in this regard is that the timeframe be reasonable. See Federal Acquisition Regulation (FAR), 48 C.F.R. § 15.611(a)(3) (1986).

Singer contends that the Navy abused its discretion in setting the timeframe for revising proposals here, because the reweighting of the evaluation criteria allegedly necessitated a complete revision of Singer's proposal to accommodate the increased importance of cost at the expense of technical merit. Singer states that, based on the original emphasis on technical merit, it initially proposed using certain formats of Standard Electronic Modules (SEMs) (printed electronic circuit boards) that were already approved by the Navy, whereas a new, unapproved format also was available at less expense. Giving cost more emphasis, according to Singer, would necessitate changing to the new format and would entail a redesign effort that could not be accomplished in 19 days. In this regard, Singer points out that agencies generally are statutorily required to afford firms 30 days to submit initial proposals in response to a solicitation, and maintains that the change here was so significant as to be tantamount to issuing a new solicitation. See 41 U.S.C. § 416(a)(3)(B) (Supp. III 1985).

We do not agree that the Navy stipulated an unreasonably short period for submitting BAFOs. First, Singer's objections are premised on its interpreting the original evaluation scheme as according technical merit as much as nine times the importance of cost, such that the amendment changing the relative weights of the evaluation factors was tantamount to initiating a new competition. Such was not the case, however, since cost was the second of three factors and was described by the RFP as an important factor. Further, the RFP expressly advised that while the government

sought technical excellence in proposals, it was not willing to pay an excessive price for superiority. Singer concedes, in this regard, that MIL-STD-1378D (incorporated by the RFP), while generally requiring previously-approved SEMs, encouraged use of new modules that would result in substantial cost savings. Thus, contrary to Singer's interpretation, the RFP as issued already placed substantial emphasis on cost.

Secondly, the protester has not demonstrated why 19 days was not a reasonably sufficient time to enable it to revise its proposal. In this regard, the protester already included approximately 50 SEMs of the new format (out of approximately 850 SEMs), and the protester has not persuasively explained why the proposal could not be modified within the allotted time to explain the transition from the previously-approved format to the new format for the other SEMs.

While the time afforded here may not have been optimal for Singer, proposal and revision preparation time often is not deemed by offerors to be sufficient to assemble an ideal proposal. As noted, however, the applicable standard is one of reasonableness, and we simply do not believe Singer has met this standard. We note that all other offerors were able to meet the deadline for submission of BAFOs without complaint. Thus, we find no merit in Singer's contention that the Navy prescribed an unreasonably short period for submission of BAFOs. See Morris Guralnick Assocs., Inc., B-218353, July 15, 1985, 85-2 CPD ¶ 50.

Lastly, we point out that Singer's approach in its initial proposal, which Singer contends was selected to achieve technical excellence at the expense of cost, did not receive the highest ranking under technical merit, and the cost of its proposal significantly exceeded that of any other offeror, including at least one that, like Singer, relied on extensive use of previously-approved SEMs. Thus, it does not appear that the change in the relative weights of the evaluation criteria prejudiced Singer's competitive position in any event.

The protest is denied.

for Seymour E. Pro
Harry R. Van Cleve
General Counsel