



The Comptroller General
of the United States

Washington, D.C. 20548

Cooper

139449

Decision

Matter of: Mantech Technical Services Corporation

File: B-235654

Date: August 31, 1989

MISSING 2+4

DIGEST

1. A solicitation that advises offerors of the broad evaluation scheme to be employed and refers to subfactors identified in another section of the solicitation that are reasonably related to the stated evaluation factors provides adequate notice to offerors of the evaluation criteria.
2. An agency is not required to reopen negotiations when an offeror introduces an informational deficiency concerning newly proposed personnel at the best and final offer stage of the negotiations.

DECISION

Mantech Technical Services Corporation protests the award of a contract to G.P. Taurio, Inc., under request for proposals (RFP) No. N66604-88-R-5735, issued by the Naval Underwater Systems Center for technical training services in support of combat control systems. Mantech argues that the Navy's evaluation process was flawed because the solicitation did not identify all evaluation factors and their relative degree of importance. As a result, Mantech contends, the Navy improperly judged its technical proposal to be unacceptable because of the omission of two resumes of potential employees, and, therefore, must reopen negotiations for another round of best and final offers (BAFOs).

We deny the protest.

The RFP, issued August 18, 1988, called for award of an indefinite delivery, indefinite quantity, cost-plus-fixed-fee, 5-year contract for technical support in the area of training for various Navy activities. The effort included development, review, analysis and maintenance of training materials in support of combat systems for a new class of submarine. Award was to be made to the responsible offeror whose conforming offer was determined to be most advantageous to the Navy, cost and other factors considered.

046372/139449

Mantech first protests that the RFP did not identify all the evaluation factors or their relative degree of importance.

Section M of the RFP specified two evaluation factors, technical capability and cost, listed in descending order of importance. In addition, that section stated that proposals should contain a response to each of the areas identified in Section L, Instruction to Offerors, which had a bearing on the identified evaluation factors, specifically directing offerors' attention to Section L39, Submission of Proposals. Section L39 described the requirements for content of the technical proposal, and stated that offerors should include three sections in the following order: personnel, technical approach/management approach, and corporate experience. Four pages of detail concerning these factors followed.

The personnel section specifically required that a "personnel qualifications sheet" be completed for key personnel in addition to personnel data forms, resumes and other supporting data. Key personnel were identified as, at a minimum, a program manager, two senior analysts (providing a total of 20,000 hours), two training program analysts, and two senior training engineers. The clause also noted that substitution of key personnel was subject to section H23, Key Personnel Requirements, which stated that any changes in key personnel whose personnel data forms were submitted for evaluation of the proposal, had to be approved by the contracting officer.

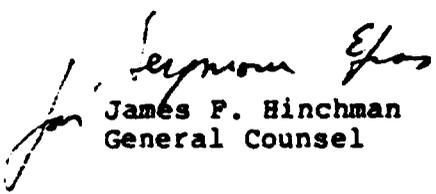
A solicitation must clearly advise offerors of the broad scheme to be employed and give reasonably definite information concerning the relative importance of the evaluation factors in relation to each other. Associated Chem. and Envtl. Servs., et al., 67 Comp. Gen. 314 (1988), 88-1 CPD ¶ 248. However, a contracting agency need not specifically identify the evaluation subfactors it uses if they are reasonably related to the evaluation criteria set out in the solicitation. VGS, Inc., B-233116, Jan. 25, 1989, 89-1 CPD ¶ 83.

Here, although the technical evaluation subfactors were not specifically identified in the evaluation section of the RFP, they were explicitly articulated in the RFP instructions, and offerors were clearly directed to the instructions in the evaluation section and notified that responses were required to all areas bearing on the two stated evaluation factors. The RFP instructions stated that the technical proposal was required to include a personnel section, a technical approach/management approach section and a corporate experience section, in the order listed. Detailed requirements followed each of the factors listed

Accordingly, by modifying the personnel in its earlier proposal without providing adequate supporting documentation as to their qualifications in its BAFO, Mantech assumed the risk that the change might result in the rejection of its proposal rather than in further discussions, since an agency is not required to reopen discussions when a deficiency is first introduced in a BAFO in order to provide a firm with an opportunity to revise its proposal. Inter-Continental Equip., Inc., B-224244, Feb. 5, 1987, 87-1 CPD ¶ 122. It is up to the procuring agency to decide when the negotiation and offer stage of a procurement has concluded, and we do not find that the Navy abused its discretion by failing to reopen discussions to allow Mantech to submit documentation for newly proposed personnel.

Mantech also contends that its failure to supply the qualifications for the two analysts was too minor a deficiency to justify downgrading its "technically superior" proposal to technically unacceptable. As a preliminary matter, the record shows that Mantech's proposal was not technically superior; on the contrary, Mantech would have been the lowest ranked technically of the offerors in the competitive range even if its score had not been reduced due to its unsupported personnel changes. Thus, a variety of factors, not just Mantech's failure to furnish the personnel qualifications, contributed to Mantech's final score. Further, in our view the reduction in Mantech's final score was reasonable in view of the importance of the two analysts and the agency's inability to assess their qualifications due to Mantech's failure to provide any information on them.

The protest is denied.


James F. Hinchman
General Counsel