

Ms. Schatz



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sandaire
File: B-242301
Date: April 12, 1991

Michael W. Fink for the protester.
Stephen E. Katz, Esq., and James J. Paris, Esq., Department of the Navy, for the agency.
Sylvia Schatz, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where the employment experience descriptions in the resumes of five key personnel provided by protester with its best and final offer remained deficient in that they failed to show that the key personnel met several minimum experience requirements, the protester's proposal properly was downgraded in the personnel area and, ultimately, properly was rejected as technically unacceptable.

DECISION

Sandaire protests the award of a contract to D3 Technologies, Inc. under request for proposals (RFP) No. N00123-90-R-5015, issued by the Department of the Navy for aviation engineering services. Sandaire maintains that the Navy incorrectly interpreted the personnel requirements in the RFP and, as a result improperly evaluated its technical proposal.

We deny the protest.

The RFP, issued March 19, 1990, provided for award of an indefinite delivery, indefinite quantity, time and materials contract, with award to be made to the responsible offeror whose proposal was determined to be most advantageous to the government, cost and other factors considered. Technical factors carried a weight 1.5 times that of cost. The solicitation listed, in descending order of importance, three evaluation factors: technical approach (300 of 600 total technical points), personnel qualifications (200 points), and management plan (100 points). With respect to the factor for personnel qualifications, the solicitation required offerors to provide with their technical proposals resumes (and letters

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of commitment for personnel not yet employed) for the following key personnel: three project managers, two senior stress analysts, four senior mechanical engineers, and four senior electronic/electrical engineers. Section 5.0 of the solicitation, entitled "Minimum Personnel Qualification," provided that the "level of skill, education, and experience of the personnel required to perform the contracted task shall substantially meet the requirements" in the RFP, and went on to list several skill, education and experience requirements for the key personnel. The solicitation provided that experience and education exceeding the minimum requirements would result in higher scores.

Four proposals were received in response to the solicitation; three, including Sandaire's, were included in the competitive range. Sandaire's proposal received a score of only 61.88 of 200 points in the personnel area and a total technical score of only 373.88 points. During subsequent oral and written discussions, the evaluation panel explained to Sandaire that its proposal was extremely poor in the personnel area, because the employment experience descriptions in the resumes provided for all proposed key personnel were not detailed enough for the panel to determine that the personnel possessed the specific types of experience required by the RFP. In addition, the evaluation panel advised that the experience descriptions in two of the resumes did not even purport to meet the minimum experience requirements. The panel concluded that Sandaire's proposal was unacceptable and not susceptible of being made acceptable, but the contracting officer nevertheless decided to include Sandaire's proposal in the competitive range and to give the firm an opportunity to correct the deficiencies. The contracting officer thus advised Sandaire to revise its resumes to document, in detail, how the employment experience of key personnel related to the RFP requirements, and requested the firm's best and final offer (BAFO).

In reviewing Sandaire's BAFO, the evaluation panel determined that Sandaire's proposal remained extremely poor in the personnel area because the cited deficiencies in the experience descriptions in the resumes of key personnel had not been corrected; in fact, the revisions that were made resulted in further downgrading of Sandaire's BAFO by 15 points in the personnel area. Specifically, the evaluation panel reported that the resumes of five key personnel still failed to include sufficient detail to be able to correlate their experience with the RFP requirements. As a result, Sandaire, whose proposal was priced at \$12,958,364, received a score of only 46.88 of 200 points in the personnel area and a total technical score of only 405.13 points, lowest of the three offerors in the competitive range, and substantially lower than the awardee. Based primarily on the deficiencies

in Sandaire's proposed personnel, the Navy ultimately rejected the firm's proposal as technically unacceptable. (The Navy also rejected the proposal of the third offeror, which was scored slightly higher than Sandaire's.)

Sandaire maintains that its proposal was improperly downgraded in the personnel area because the resumes of the five key personnel, identified as deficient by the Navy, in fact showed full compliance with the RFP requirements. In support of this contention, Sandaire provides a matrix keying the experience and education of each of the five key personnel to the minimum personnel requirements. Sandaire further asserts that, although some of its key personnel even exceeded the minimum experience and education requirements in the RFP, the Navy failed to give Sandaire a higher score for these individuals, as provided by the RFP. The protester concludes that, since the resumes of its personnel were not deficient, its proposal should not have been rejected, and it should have received the award as the low offeror.

We will review a technical evaluation only to determine whether it was fair and reasonable and consistent with the stated evaluation criteria. See Space Applications Corp., B-233143.3, Sept. 21, 1989, 89-2 CPD ¶ 255. The protester has the burden of affirmatively proving its case and mere disagreement with an evaluation does not satisfy this requirement. Maytag Aircraft Corp., B-237068.3, Apr. 26, 1990, 90-1 CPD ¶ 430.

We find that the Navy's downgrading of Sandaire's proposal in the personnel area was proper. The record shows that, contrary to the information in Sandaire's matrix, the experience descriptions in the resumes of the five key personnel do not, in fact, match the specific experience required by the RFP. Specifically, while the RFP required project managers to have a minimum of 15 years supervisory experience and a minimum of 1 year of experience in at least five of eight specified functions, the resume of one proposed project manager, Mr. Shaw, documented only 4 years of supervisory experience at one job and an unspecified length of time in a supervisory position at another job. The resume of another proposed project manager, Mr. Bloxam, showed that he had experience in only four of the eight specified functions--naval aviation engineering maintenance management, aircraft repair, engineering change proposals/airframe changes, and aircraft design. The resume of the third proposed project manager, Mr. Madryga, showed that while he had experience checking the work of other personnel who had performed seven of the eight specified functions, he had not actually performed the work himself.

Similarly, although the solicitation required senior mechanical engineers to have 10 years of experience in design and aircraft structures, with a minimum of 1 year each in five of eight specified functions, the resume of a proposed mechanical engineer, Mr. Chandler, showed he had only performed four of these requisite functions--design drawing preparation, design layout preparation, preliminary stress analysis, and reliability/maintainability studies.

Although Sandaire's matrix shows that Mr. Chandler has performed two additional functions (application of fatigue design techniques, and logistics coordination), the agency reports that, in fact, based on the experience description, the work he performed was not equivalent to these two functions. For example, the agency explains that the employment experience in vibration testing, stated in Mr. Chandler's resume, is not equivalent to the required application of fatigue design techniques, since the analysis involved in these two functions is different. Similarly, the production and planning experience in Mr. Chandler's resume was deemed not equivalent to the required logistics coordination function since, the agency advises, production control is the process of ensuring that parts will be available from an internal source (a plant or company) for the production line, whereas logistics coordination is the process of ensuring parts are available from both internal and external sources; thus, the logistics coordination requires more coordination and communication skills than does product control. The protester does not dispute the agency's conclusions.

Additionally, regarding the third category of key personnel, senior electronic/electrical engineers were required to have 6 years of experience in five of eight specified functions. The resume of one proposed senior electronics engineer, Mr. Bossemeyer, showed that his experience did not match these requisite functions. Specifically, none of the experience descriptions in his resume included engineering investigation or preparing engineering change proposals, even though the RFP required this work experience. The record thus does not show, contrary to the protester's contentions, that the resumes of key personnel met the minimum experience requirements in the RFP.

There also is no support for Sandaire's assertion that some of its employees exceed the stated requirements and thus are entitled to higher scores in the evaluation. In this regard, the protester states that Mr. Madryga exceeded the minimum experience requirements in the RFP because he has 35 years of supervisory experience and the solicitation only required 15 years experience. In addition, Sandaire claims that two of its proposed project managers, Mr. Madryga and Mr. Shaw, exceeded the minimum educational requirements, since they have

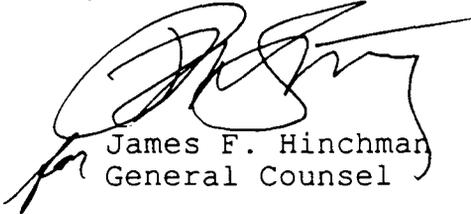
post-graduate degrees and the RFP required only bachelors degrees. We find the Navy's evaluation of these resumes was proper. While the RFP provided for awarding higher scores where proposed personnel exceeded minimum requirements, it did not provide that deficiencies under certain minimum requirements could be offset by the individual's exceeding certain other minimum requirements. We see nothing improper in the agency's apparent determination that the two project managers' additional education and supervisory experience did not mitigate the effect of these and other key employees' failure to satisfy various minimum personnel requirements. The agency therefore reasonably determined that the resumes of the key personnel were deficient, and properly found that Sandaire's proposal was technically unacceptable.

The protester alternatively argues that its downgrading under the personnel factor is due, not to deficiencies in its proposal, but to the Navy's incorrect interpretation of the RFP requirements. The requirement in dispute is section 5.0, quoted above. Sandaire maintains that, since this provision required only "substantial" compliance with the RFP's "minimum" education and experience requirements, its key personnel were acceptable because, while not meeting every single requirement, they met most, and therefore substantially complied. Sandaire believes the Navy therefore should have found its proposal acceptable. The Navy responds that, notwithstanding use of the term "substantial," the solicitation provisions following section 5.0, which provide that personnel are "required" or "shall have" a "minimum" educational degree or a "minimum" number of years of experience in a specific area, indicate that absolute compliance with every personnel specification was required in order for the offeror's proposal to be acceptable. In any case, the Navy reports, it has considered the proposal in light of Sandaire's substantial compliance interpretation, and has concluded that the proposal is unacceptable even under this interpretation.

Although the RFP can be read to support both Sandaire's and the Navy's interpretation due to the use of the inconsistent terms "substantial" and "minimum," we agree with Sandaire's interpretation. Since section 5.0 prefaces the "minimum" education and experience requirements, we think it reasonably indicated to offerors that personnel only had to substantially comply with those minimum requirements. This point essentially is academic, however, as we find no basis for disputing the Navy's conclusion that Sandaire's key personnel do not substantially comply with the personnel requirements. As discussed, five key personnel properly were found deficient as to the stated requirements. While substantial compliance is subjective in nature, we think the agency's strict reading of the term is warranted in light of the reference in the RFP to the personnel requirements as "minimum" requirements, and the

agency's advice to Sandaire during discussions that its key personnel were deficient. In other words, since the agency clearly considered the stated minimum requirements significant, and advised the protester of this fact, the agency reasonably concluded that the failure of five key employees to meet several of the requirements, even after BAFOs, did not constitute substantial compliance with the requirements as a whole. The Navy therefore properly rejected Sandaire's proposal.

The protest is denied.



James F. Hinchman
General Counsel