

(2) draft and revise (A) an information collection plan outline covering training needs, format, equipment, representative sample selection, implementation, and data analysis, and (B) an inventory of data collection methods (e.g., questionnaires, observational reports, tests, telephone interviews, face-to-face interviews, focus groups) showing the methods' associated personnel requirements and costs;

(3) determine with the agency which data collection methods to develop for use on the project;

(4) draft (A) an implementation of each of the selected data collection methods (including tests at up to nine laboratory sites) and (B) a plan for the "Assessment" based on the Task 2 outline (including a pilot test strategy);

(5) conduct, report on, and revise as required, a pilot test using the data collection methods;

(6) prepare documentation associated with Office of Management and Budget clearance for data collection;

(7) conduct the Assessment reporting the results and retaining the data collected in computerized database for later transfer to an agency database;

(8) draft and revise (A) data analysis reports for each data collection method used (delivering to the agency both the computerized database information, and hard copies of the original completed data collection forms used to obtain information from the laboratories), and (B) a final report on overall findings;

(9) during the course of the above work provide letter-type progress reports advising the agency of significant problems and finish the project by delivering a final written report incorporating agency comments.

The RFP listed five, numerically scored, technical evaluation factors: (1) methodology and approach (20 points); (2) understanding of the task and objectives (30 points); (3) personnel and facilities (30 points); (4) organizational experience (10 points); and (5) management plan (10 points). The RFP stated technical proposals and cost or price were of approximately equal evaluation value.

On July 19, 1991, four offerors submitted initial proposals, which were rated as follows:

<u>Offeror's Name</u>	<u>Estimated Cost</u>	<u>Score</u>
Georgia State University	\$270,175	76
IDS	263,951	68
Offeror X	209,153	70
Offeror Y	553,519	70

The agency decided to include all proposals in the competitive range. Although the agency found IDS' proposal only marginally technically acceptable,¹ IDS' "well presented management plan and its prior experience with 'needs assessment'" caused the agency to believe that meaningful discussions might improve the technical merits of IDS' proposal such that it could be in line for award.

The agency conducted telephonic discussions with IDS and the other competitive range offerors, and the offerors submitted best and final offers (BAFO) by September 3. The agency evaluated the offerors' BAFOs as follows:

<u>Offeror</u>	<u>Technical Score</u>	<u>Technical Ranking</u>
Georgia State University	92	Technically Superior
IDS	61	Technically Unacceptable
Offeror X	54	Technically Unacceptable
Offeror Y	53	Technically Unacceptable

The agency rejected all offers save that of Georgia State University as technically unacceptable and selected that university for award. IDS' proposal was determined unacceptable primarily because it lacked the necessary staffing hours to meet the RFP requirements, which negatively reflected on the personnel and understanding of the RFP tasks and objectives. In this regard, the technical evaluation panel found IDS' proposal

"[W]as technically unacceptable. This belief is based on the [Panel's] original [marginal] evaluation of IDS' 'Understanding of the Tasks and Objectives' associated with this contract. The labor hours budgeted for this contract still need to be increased 40 [percent]. At the present level of commitment, [the Panel] does not believe a technically sound training needs assessment

¹The agency found IDS' initial proposal lacked (1) a clear understanding of the needs assessment process, (2) a focused approach to the project, and (3) sufficient hours to adequately complete the proposed work.

would result. This, again, reflects IDS' lack of understanding associated with the contract."

On September 30, the agency awarded the contract to Georgia State University at an estimated cost of \$389,720. IDS contends that its low priced BAFO (\$221,281) did not receive a fair evaluation. IDS contends the agency's evaluation was unfair because

"[T]he number of hours in our proposal are adequate for this project; we have an efficient, high-powered team that has done these projects in a comparable amount of time in the private sector."

The evaluation of technical proposals is a matter within the discretion of the contracting agency since the agency is responsible for defining its needs and the best method of accommodating them. Science Sys. and Applications, Inc., B-240311; B-240311.2, Nov. 9, 1990, 90-2 CPD ¶ 381. In reviewing an agency's technical evaluation, we will not reevaluate the proposal, but instead will examine the agency's evaluation to ensure that it was reasonable and not in violation of the procurement laws and regulations. Information Sys. & Networks Corp., 69 Comp. Gen. 239 (1990), 90-1 CPD ¶ 203; Tichenor & Eiche, B-228325, Dec. 28, 1987, 87-2 CPD ¶ 631. The offeror has the burden of submitting adequately written proposals and proposal revisions for the agency to evaluate, Complere, Inc., B-227832, Sept. 15, 1987, 87-2 CPD ¶ 254, and an offeror's disagreement with the agency's judgment is not sufficient to establish that the agency acted unreasonably. United HealthServ Inc., B-232640 et al., Jan. 18, 1989, 89-1 CPD ¶ 43. We will not object to a technical evaluation that the record shows was fair and reasonable and consistent with the evaluation criteria.

We have reviewed IDS' arguments, its proposal, Georgia State University's proposal, the evaluators' worksheets, the source selection evaluation reports, and the agency report, and discern no basis for finding the evaluation of either IDS' or Georgia State University's proposals unfair or unreasonable.

The record shows that the agency found IDS was unacceptable because of the limited number of personnel resources that IDS proposed² and the concerns this raised regarding IDS' understanding of the project. Specifically, IDS was found not to have allocated sufficient staffing hours for its

²This concern was independently expressed by all four of the evaluators.

proposed HIV/AIDS expert, statistician, and programmer.³ The HIV/AIDS expert's hours were of particular concern since he or she was considered essential to the project's success.⁴ While the agency and the protester disagree as to the content of discussions, it is clear from IDS' BAFO that the agency advised IDS of the principal weakness (i.e., adequacy of staffing hours, specifically, the paucity of hours for IDS' HIV/AIDS expert). With regard to the HIV/AIDS expert, IDS' BAFO responded: "[w]e've added 82 hours for a total of 188 hours." Nevertheless, IDS' BAFO was downgraded 5 points from its initial score for not sufficiently increasing its direct labor hours despite being reasonably apprised of this critical weakness during discussions.⁵

³The agency determined that IDS' proposed hours were approximately 30 percent lower than what the agency estimated to be required. The agency reports that IDS needed to increase the time allotted to its HIV/AIDS expert by approximately 400 percent, the time allotted to its statistician by approximately 100 percent, and the time allotted to its programmer by approximately 250 percent.

⁴The agency reports that the evaluators stated that they

"[F]elt that the HIV/AIDS expert is essential to the success of the . . . contract. This contract is designed to obtain information about training needs across a broad range of laboratory testing activities in the area of HIV and AIDS related disorders. The plan and design of the needs assessment activities will require in-depth knowledge and experience in current and forthcoming technology in the testing processes involved in many areas of AIDS-related diagnosis, and only a person with significant expertise in these areas can provide the necessary information. It is also essential that the contractor have available a person with a through knowledge of laboratory practices, and it is anticipated that the HIV/AIDS expert is the most likely consultant to possess this knowledge. The contract cannot be properly executed without extensive involvement of a person or persons with strong HIV/AIDS laboratory knowledge and experience."

⁵IDS' BAFO increased its total proposed hours by 107, or about 3 percent.

IDS argues that the agency was using an inefficient "scientific approach" to determine its training needs. For example, IDS' comments on the agency report criticize the RFP's specifications as being "written from a 'scientific research methodology' perspective," and the evaluators were "concerned with validating research procedures" when

"A more real-world, applied approach, would be to initiate the preliminary research we recommended (an approach called excellent by the panel in the strengths and weaknesses [memorandum]), and spend the rest of the time and money developing preliminary prototypes of training packages and testing the packages."

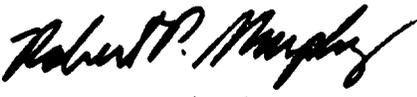
IDS argues that the agency evaluation of proposed staffing was premature since it was done before the agency had the results of the Task 5 pilot test defining the best research methodology. In sum, IDS' position is that the "most economical, efficient and realistic course for the agency is to evaluate projected manhours based on the findings of the pilot, and not on preconceived notions of the 'experts' who wrote the specifications." IDS requests that it be allowed "to rewrite the specifications so that [IDS] can design and test training materials . . . that work in the real world."

It appears that HHS' concerns about IDS' staffing and understanding of the RFP work, as envisioned by HHS, were well-founded. From IDS' comments, it is apparent that IDS had its own ideas, not consistent with HHS' ideas, of how the work should be done, and that its proposal simply did not persuade HHS that its methodology and staffing were acceptable. Also, from our review, we agree with HHS that IDS' proposal did not otherwise evidence more than a marginal understanding of what HHS requested to be done under this contract.

We conclude that the agency's evaluation of IDS' technical proposal was reasonable. The solicitation made clear that an offeror's personnel resources were a major technical evaluation criterion. IDS disputes that discussions were meaningful. However, as discussed above, the record confirms that IDS was adequately apprised of its critical deficiency in staffing levels. The perceived lack of sufficient staffing hours, particularly for IDS' proposed HIV/AIDS expert, was stressed in discussions with IDS, and IDS' refusal to more than minimally increase the proposed hours resulted in the agency's determination that IDS' proposal was inadequately staffed and demonstrated only marginal understanding of the project. See Beneco Enters. Inc., 70 Comp. Gen. 574 (1991), 91-1 CPD ¶ 595. Therefore, we find the agency reasonably evaluated IDS' proposal and

determined it unacceptable. It also appears that the agency properly rated Georgia State University's proposal as technically superior. Under the circumstances, HHS properly selected Georgia State University's higher cost, technically superior proposal, given that the other proposals were technically unacceptable.

The protest is denied.


for James F. Hinchman
General Counsel