



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: FMC Corporation

File: B-252941

Date: July 29, 1993

Fred J. Neher and William W. Warren, Esq., for the protester.
G. Edward Hafling, Esq., Department of the Navy, for the agency.
John L. Formica, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency's consideration of a subcontractor's experience under relevant evaluation factors was proper where the solicitation did not prohibit the use of subcontractors to satisfy the experience requirements or to perform the contract.

DECISION

FMC Corporation protests the award of a contract to Vector Microwave Research Corporation under request for proposals (RFP) No. N00197-92-R-0036, issued by the Department of the Navy for engineering technical and training services for the MK 75 gun weapon system. FMC argues that the evaluation of Vector's proposal was unreasonable.

We deny the protest.

The RFP, issued on April 7, 1992, contemplated the award of a firm, fixed-price indefinite quantity contract for engineering technical and training services for the MK 75 gun weapon system. The successful contractor is required, among other things, to install and checkout the weapon system, conduct tests and monitor training of Navy personnel in the operation and maintenance of the weapon system, perform complicated mechanical and electrical fault isolation and repair, and present an advanced technical training course, as well as safety summary and system obstacle contouring courses using agency training materials.

The RFP provided that award would be made to the responsible offeror submitting the low-priced, technically acceptable offer, and listed the following technical evaluation factors in descending order of importance:

- I. Experience of Personnel
 - 1. Specialized
 - 2. General
- II. Company Background and Experience

Only FMC, the incumbent contractor, and Vector submitted proposals by the RFP's June 5, 1992, closing date. The proposals were forwarded to the technical proposal and evaluation team (TPET) for evaluation on June 16. The TPET found that FMC's proposal was technically acceptable and that Vector's proposal required clarification. After receiving Vector's responses to the agency's clarification requests, the TPET determined that Vector's proposal was technically acceptable. Best and final offers (BAFO) were received and evaluated, with FMC's BAFO being found technically acceptable with a proposed price of \$798,760, and Vector's BAFO being found technically acceptable with a price of \$595,071. The agency made award to Vector as the responsible offeror submitting the low-priced, technically acceptable offer.

FMC protests that the agency acted improperly in considering the experience of Vector's subcontractor--OTO Melara S.p.A,¹ an Italian corporation--in evaluating the awardee's proposal under the "experience of personnel" and "company background and experience" evaluation factors. FMC does not challenge OTO Melara's experience, but contends that because Vector itself does not possess experience in providing engineering technical and training services for the MK 75 gun weapon system, the agency's evaluation of Vector's proposal as technically acceptable was unreasonable.

Contrary to the protester's assertion, an agency may consider an offeror's subcontractor's experience under relevant evaluation factors where, as here, the RFP allows for the use of subcontractors to perform the contract and does not prohibit the consideration of subcontractor's experience in the evaluation of proposals. Premier Cleaning Sys., Inc., B-249179.2, Nov. 2, 1992, 92-2 CPD ¶ 298; George A. and Peter A. Palivos, B-245878.2; B-245878.3, Mar. 16, 1992, 92-1 CPD ¶ 286; Commercial Bldg. Serv., Inc., B-237865.2; B-237865.3, May 16, 1990, 90-1 CPD ¶ 473; cf. Jim Welch Co., Inc., B-233925.2, July 12, 1989, 89-2 CPD ¶ 34 (an agency

¹OTO Melara is the original designer and current manufacturer of the MK 75 gun weapon, having manufactured 98 gun weapon systems for the Navy, and approximately 600 gun weapon systems worldwide.

may consider only the offeror's experience in the evaluation of proposals, and not that of its proposed subcontractor, where it has legitimate reasons for concluding that the offeror itself must possess relevant experience in order to ensure successful performance of the contract). Here, the agency found that subcontractor experience was relevant and could be used to augment the offeror's own experience. The agency properly considered the experience of OTO Melara in evaluating Vector's proposal under the experience of personnel and company background and experience evaluation factors.

The protest is denied.


for James F. Hinchman
General Counsel