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Matter of: Data Systems Analysts, Inc.

File: B-255684; B-255684.2

Date: March 22, 1994

Timothy A. Sullivan, Esq., Starfield & Payne, for the protester.
Gregory H. Petkoff, Esq., and Elizabeth Kelly, Esq., Department of the Air Force, for the agency.
Tania L. Calhoun, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that agency improperly evaluated firm's technical proposal is denied where the record shows that the evaluation was reasonable and consistent with the stated evaluation factors; protester's mere disagreement with the agency's conclusion does not render the evaluation unreasonable.

2. Protest that agency improperly conducted discussions by failing to advise the protester of a weakness in its proposal and by holding face-to-face discussions with only one offeror is denied where the weakness at issue was a minor weakness in the protester's technically acceptable proposal and did not require discussions, and where there is no evidence that the protester was competitively prejudiced by not meeting with the agency since it received adequate written discussions, and since the only offeror that met with the agency was not selected for award.

3. Protest that agency improperly conducted its cost/price realism analysis by mechanically applying the government estimate to firm's cost proposal is denied where record does not support the allegation.

4. Protest that agency improperly rejected proposal based upon responsibility factors that should have been referred to the Small Business Administration is denied where protester's proposal was not rejected as technically unacceptable, and where traditional responsibility factors were used for the comparative evaluation of proposals.

DECISION

Data Systems Analysts, Inc. (DSA) protests the award of a contract to Logicon Eagle Technology, Inc., under request for proposals (RFP) No. F19628-93-R-0004, issued by the Department of the Air Force for system and software engineering to support the system planning/system control (SPSC) program. DSA argues that the agency improperly evaluated its technical proposal, conducted inadequate and unequal discussions, conducted an improper cost/price realism analysis, and rejected DSA's proposal based upon responsibility factors that should have been referred to the Small Business Administration (SBA) for review.

We deny the protest.

BACKGROUND

The purpose of the SPSC program is to provide automated aids to support the Air Force in planning, engineering, and managing tactical communications networks. The SPSC program is based on a software program originally developed by the Army, known as the Tactical Network Analysis and Planning System (TNAPS). The Air Force's version of this program, TNAPS Plus (TNAPS+), is being developed on an incremental basis. Logicon held the SPSC Block 1 contract to develop TNAPS+ Version 1.0, which will serve as the initial baseline for performance of the Block 2 contract at issue here.

The SPSC Block 2 solicitation was issued on April 13, 1993, and provided for contractor support of enhanced TNAPS+ software releases. The effort has three development phases, each associated with a product enhancement or "version." The first phase provides for developing, integrating, and testing software to fit existing deficiencies in the baseline Version 1.0 software. This product will be released as Version 1.5. The second and third phases provide for systems engineering analyses, software requirements analysis, and the development, integration and testing of software to implement additional capabilities. The resulting products will be released as Versions 2.0 and 3.0, respectively. The solicitation also provides for contractor support and training during the basic performance period, and contains options for continued contractor support beyond the base period, and for the installation of a software support facility. The contract line items (CLIN) for the basic development effort were issued on a cost-plus-fixed-fee basis, and the option CLINs for support services were issued on a fixed-price basis.

The RFP provided that evaluation of proposals would be conducted under the streamlined source selection procedures of Air Force Regulation 70-30. The RFP advised that award would be made to the offeror with the management, financial, technical, and facility capabilities necessary to fulfill the contract requirements, and whose proposal was judged to be the most advantageous to the government, price and other factors considered. To evaluate offers, the RFP anticipated an assessment of what the solicitation refers to as the General Considerations, Specific Criteria, and Assessment Criteria.

The General Considerations consisted of the results of a preaward survey; the Specific Criteria consisted of technical and cost evaluation factors, with the technical factor being more important than cost; and the Assessment Criteria considered an offeror's "soundness of approach" and "compliance with the requirements." The RFP listed four equally important subfactors under the technical evaluation factor: system engineering, software development, software experience, and program management.

Under the technical evaluation factor, proposals were to receive three ratings: a color/adjectival rating to depict how well an offeror's proposal met the evaluation standards and solicitation requirements, a proposal risk rating to assess the risk associated with an offeror's proposed approach, and a performance risk rating to assess the probability of successful performance based on the offeror's present and past performance.[1] For each technical subfactor, each of the three ratings would be considered in deciding which proposal was most advantageous to the government.

With regard to the cost-plus-fixed-fee CLINs, the RFP stated that the offeror's estimated costs would not be controlling for source selection purposes. Instead, after reviewing each offeror's technical approach and proposed costs, the agency intended to calculate the government's estimate of most probable cost (GEMPC) for each offeror by adding the offeror's anticipated performance costs and the proposed fee. The fixed-price option CLINS would be evaluated based

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[1]The color/adjectival ratings were blue/exceptional, green/acceptable, yellow/marginal, and red/unacceptable. The proposal risk ratings were high, moderate, and low, with separate ratings assigned for technical risk, schedule risk, and cost risk. The performance risk ratings, determined by a performance risk assessment group (PRAG), were high, moderate, and low, with separate ratings assigned for the technical, schedule and cost areas.

upon their proposed prices. The remaining option CLINs and a travel CLIN would not be evaluated for award purposes.

On May 13, 1993, three offerors submitted proposals in response to the RFP: DSA, Logicon, and ARC Professional Services Group. Following the source selection evaluation team's (SSET) initial evaluation of revised proposals,[2] all three offerors were determined to be within the competitive range. The agency issued numerous clarification requests (CR) to all three offerors in late June. After evaluating the responses to these CRs, the SSET issued a series of additional CRs to both DSA and Logicon during the month of July.

On August 3, the buyer for the agency informed all three offerors by telephone that the agency had no further issues to discuss. The buyer also states that during these calls she advised each offeror that if it wanted to discuss any matter further, agency representatives would meet with the offeror. ARC requested such a meeting, which occurred on August 5. The agency states that both Logicon and DSA indicated that they had no further issues to discuss, and thus no meeting was held with these two offerors. Best and final offers (BAFO) were submitted by September 7, and the SSET's evaluation found all three proposals to be technically acceptable. The results of the evaluation of the BAFOs submitted by Logicon and DSA are set forth below:

	Logicon	DSA
Technical Merit	**Green**	**Yellow**
System Engineering	Green	Green
Software Development	Green	Green
Software Experience	Green	Green
Program Management	Green	Yellow
Proposal Risk		
Technical Risk	**Low**	**Moderate**
System Engineering	Low	Moderate
Software Development	Low	Low
Software Experience	Low	Low
Program Management	Moderate	Moderate

[2]The offerors were provided an opportunity to submit revisions to their proposals in response to amendment No. 0002, which updated the statement of work (SOW). In addition, other amendments, not at issue here, were provided to the offerors.

Schedule Risk	**Moderate**	**Low-Moderate**
Cost Risk	**Low**	**Moderate**
Performance Risk	**Low**	**Low**
Technical Risk	Low	Low
Schedule Risk	Moderate	Low-Moderate
Cost Risk	Moderate	Low-Moderate

In addition to the evaluation of technical proposals, the agency evaluated each offeror's proposed cost/price[3] as follows:

	Proposed Cost/Price	Evaluated Cost/Price
Logicon	$ 3,605,074	$ 3,257,644
DSA	3,417,707	4,223,651

The Source Selection Authority (SSA) considered all three proposals to be adequate when measured against the evaluation factors, but found that the proposals of both DSA and ARC presented significant weaknesses. In light of these weaknesses, the SSA determined that it was in the government's best interest to expend the additional funds required to select Logicon's proposal. Award was made to Logicon on October 28, and DSA filed these protests subsequent to its November 5 debriefing. Performance of the contract has been suspended pending resolution of this protest.

ANALYSIS

Technical Evaluation

DSA challenges the evaluation of its technical proposal with regard to the three weaknesses noted by the SSET under the system engineering and program management technical evaluation subfactors.[4]

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[3]These figures represent the proposed BAFO costs for the CLINs/SubCLINs for the basic effort (Nos. 0001AA, 0001AB, 0001AC, 0002, and 0003), and the BAFO prices for the options considered most likely to be exercised (Nos. 0004 and 00[illegible]).

[4]In its comments on the agency report, DSA contended, for the first time, that three of the evaluated advantages in its proposal should properly have been evaluated as strengths, since DSA asserts that they exceeded the solicitation's requirements. In a supplemental report

(continued...)

The evaluation of technical proposals is primarily the responsibility of the contracting agency; the agency is responsible for defining its needs and the best method of accommodating them, and must bear the burden of any difficulties resulting from a defective evaluation. Thus, our Office will not make an independent determination of the merits of technical proposals; rather, we will examine the agency evaluation to ensure that it was reasonable and consistent with the stated evaluation criteria. Mere disagreement with the agency's conclusion does not render the evaluation unreasonable. Canadian Commercial Corp./Canadian Marconi Co., B-250699.4, Mar. 5, 1993, 93-1 CPD ¶ 251; Litton Sys., Inc., B-239123, Aug. 7, 1990, 90-2 CPD ¶ 114.

DSA first challenges the SSET's determination that its proposal demonstrated a lack of understanding of the requirement to have transmission groups/subgroups support trunk group clusters (TGC),[5] evaluated under the system engineering factor. Section M of the RFP stated that the SSET would evaluate the offeror's proposed approach to complying with, among other things, initial network planning and user system interface (USI) requirements. Accordingly, offerors were required to propose a high-level USI implementation for the initial network planning section of the technical requirements document, which contained various requirements related to TGCs.

After reviewing DSA's initial proposal, the agency asked DSA to clarify its proposal by addressing the USI for all the requirements concerning initial network planning. The agency states that while DSA's response enabled the SSET to understand the firm's approach, the response reflected a lack of understanding of the requirement to have

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[4](...continued)
filed by the agency, the contracting officer stated that the advantages cited by DSA did not exceed solicitation requirements, but were simply aspects which would be of benefit to DSA in satisfying the contract requirements. In its response to the supplemental report, DSA does not rebut the agency's contention that the three advantages did not exceed the solicitation's minimum requirements. As a result, we have no basis to conclude otherwise. See Atmospheric Research Sys., Inc., B-240187, Oct. 26, 1990, 90-2 CPD ¶ 338.

[5]The agency states that a TGC is a collection of trunks, and that a trunk is the means by which a call originating from a telephone that is wired into a circuit switch at one location gets routed to a telephone wired to a circuit switch at another location.

transmission groups/subgroups support TGCs, and, thus, its proposed approach was considered weak. The SSET gave DSA a moderate proposal risk rating under this factor because it determined that DSA's response showed a lack of understanding in this area due to its lack of consistency with initial network planning requirements. The agency also concluded that DSA's response raised questions about the firm's systems engineering capability.

DSA does not dispute the substance of the SSET's conclusion concerning this requirement, but instead asserts that the requirement was minor in comparison to the "voluminous" scope of the proposal. DSA also contends that the SSET improperly exaggerated the importance of this weakness by claiming it demonstrated that DSA did not have a sound approach to the project or a clear understanding of the solicitation.

DSA's assertion appears to be based upon an incomplete reading of the evaluation documents. The statement that DSA "failed to show a clear understanding of the solicitation and to reflect a sound approach to satisfying those requirements," appears in the technical area summary paragraph of the proposal analysis report (PAR).[6] However, all of the specific references to this weakness in the technical evaluation section of the PAR and in the source selection decision document link the weakness to the system engineering evaluation factor. Since the underlying evaluation materials show that DSA's proposal received a weakness under this subfactor because, in part, DSA's approach to the TGC requirement raised questions about its systems engineering capability, we have no basis to conclude that the agency overstated this weakness in the manner suggested by the protester.

DSA also challenges the SSET's determination that it submitted an "unrealistic" schedule leading up to the software specification review and associated preliminary design activities. The SOW required the contractor to conduct software reviews for the Version 2.0 and Version 3.0 software efforts in order to establish the baseline for requirements, and to perform a software audit in conjunction with each review. After evaluating DSA's initial proposal, the agency asked the firm to provide its rationale for the selection of the software specification review milestones and associated preliminary/detailed design activities. In response, DSA proposed to hold a software review and associated software audit 2 1/2 months after contract award.

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[6]This statement also appears in the notice to unsuccessful offerors.

The SSET concluded that DSA's software review schedule did not allow sufficient time for DSA, which did not develop the baseline software, to fully understand what was in the baseline and how it was implemented, and to perform the several tasks required before the first software review. For example, 4 weeks prior to the review, the contractor is required to support a User Systems Interface Working Group meeting with visual aids to show the proposed implementation of each added capability for Versions 2.0 and 3.0. Fifteen days prior to the review, the contractor must deliver the interface requirements specification and the database design document, both of which must first be developed by the contractor. Finally, a corporate peer review of these efforts must occur in conjunction with the software audit, and must be completed before the software review is submitted to the agency. The SSET was concerned that a failure to meet the proposed software review schedule could potentially cause slippages in the Version 1.5 and 2.0 development schedules. As a result, DSA's schedule was noted as a weakness, and it was evaluated as presenting a moderate schedule risk.

Logicon's proposed schedule was also considered a weakness for the same reasons: the proposed schedule for the first software review was "very tight" and presented the risk of slippages in the Version 1.5 and 2.0 development schedules. However, the SSET also found that Logicon's proposed schedule was complete, showing major milestones, task dependencies, and time duration of tasks, and that it submitted a flow diagram showing how schedule contingencies would be handled, as well as a proposal to develop a contingency system. The SSET considered these two advantages, as well as the schedule weakness, and concluded that Logicon, which developed the baseline software, had significant experience which should allow faster and more efficient development despite the potential for schedule slippages. Thus, Logicon was given a schedule risk rating of low.

DSA primarily contends that the criticism of its software review schedule is based on the agency's failure to consider the experience of its subcontractor, GTE.[7] Specifically, DSA points to its retention of the originator of TNAPS as a consultant through GTE, and its teaming arrangement with

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[7]DSA also asserts that the agency misinterpreted its proposed schedule by concluding that it allocated only 1 day for the analysis of the baseline software. However, the record shows that the agency's primary concern with regard to the schedule was that DSA proposed to have the first software review completed only 2 1/2 months after contract award.

GTE, which, according to DSA, was the developer and manufacturer of most of the systems controlled by the TNAPS+ software here. DSA argues that the presence of GTE and the consultant increases its likelihood of meeting its proposed software review schedule.

Our review shows that the sections of DSA's proposal concerning this schedule make no mention of any TNAPS+ experience possessed by the firm, and the agency notes that there is no suggestion that DSA's teaming arrangement with GTE will assist in the baseline analysis. Also, the resume of the originator of TNAPS does not indicate that he has TNAPS+ experience, or that he will assist in the baseline analysis. Since the agency has placed importance on TNAPS+ experience throughout the evaluation, especially with regard to the baseline software, Version 1.0, we see nothing unreasonable about its evaluation conclusions here. Logicon, on the other hand, developed the baseline software, clearly had significant experience with the software, and was reasonably evaluated ahead of DSA in this regard. While Logicon may have gained some advantage as the incumbent, such advantage was not required to be discounted or equalized, as there is no evidence that it resulted from preferential treatment or other unfair action by the government. See Marine Animal Prods. Int'l, Inc., B-247150.2, July 13, 1992, 92-2 CPD ¶ 16.

DSA also argues that since both offerors received from the PRAG equal performance risk ratings, which the protester notes included an assessment of schedule risk, the agency evaluators unreasonably gave Logicon a low schedule risk rating and DSA a moderate schedule risk rating. In rating schedule risk, the SSET considered not only the experience presented by Logicon, but also the other advantages discussed above. Having considered these advantages, we will not conclude that the SSET's rating was unreasonable simply because it differed slightly from the rating given by the PRAG.[8]

DSA finally challenges the SSET's determination that its proposal was weak because it did not explicitly identify an individual in the staffing plan for cost tracking and control, also evaluated under the program management factor.

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[8]DSA argues that Logicon's advantage in "presenting a very complete schedule developed by Microsoft Project software showing major milestones, task dependencies, and time duration of tasks," should not be an advantage because the solicitation required offerors to use this software. However, the substance of Logicon's advantage is not its utilization of a particular software package, but its presentation of a complete schedule.

The SOW stated that the agency would evaluate the offeror's management organization and proposed personnel staffing, and offerors were required to indicate if certain functional disciplines, such as cost tracking and control, were available and consistent with the schedule and work effort for the SPSC program.

After reviewing DSA's initial proposal, the SSET was unable to identify which functional discipline would be responsible for cost tracking and control, and notified DSA that its staffing plan was incomplete in this area. DSA responded that its program manager would be responsible for cost tracking and control, as well as a number of other delineated tasks, and that the chief engineer would have overall responsibility for system engineering tasks.

After considering DSA's response, the SSET still viewed the firm's approach to cost tracking and control as a weakness, and concluded that DSA's program manager could not successfully perform the cost tracking and control duties in addition to all the other duties for which he was responsible. Under DSA's proposal, the program manager is the customer's single point of contact for all cost, schedule, and contractual issues related to the SPSC program.

DSA argues that the agency reached the wrong conclusion about its project manager because the agency misunderstood the duties of the chief engineer, identified in DSA's proposal as part of the management team. According to DSA, the chief engineer is responsible for all technical issues, including management of the entire engineering staff, thus allowing the project manager to perform the needed cost control functions.

The agency explains that it considered the role of the chief engineer, but remained concerned that the program manager would not be able to handle cost control and tracking full time given the other required duties. The agency also noted that DSA's program staffing charts--showing level of effort per position per month--did not show the chief engineer as a major staff member. According to the agency, if the chief engineer was going to have a major role in the project's technical management, he or she should have been listed in this staffing plan.

DSA's only response to the agency's position is that the text of its proposal set forth the duties of the chief engineer, and that the agency should not have ignored this information in favor of the staffing chart. DSA does not explain why the chief engineer's duties would have given the program manager the flexibility to perform the cost tracking and control duties. In our view, the agency

reasonably found DSA's proposal weak in this regard, and the protester's disagreement with that conclusion does not render the evaluation unreasonable. See Canadian Commercial Corp./Canadian Marconi Co., supra.

Discussions

DSA contends that the agency failed to conduct meaningful discussions with it by not specifically identifying its use of the program manager for cost tracking and control duties as a weakness, and by holding face-to-face discussions only with ARC, and not with DSA or Logicon.

In negotiated procurements, contracting officers generally are required to conduct discussions with all offerors whose proposals are within the competitive range. Columbia Research Corp., B-247631, June 22, 1992, 92-1 CPD ¶ 539. However, where a proposal is considered to be acceptable and in the competitive range, an agency is not obligated to discuss every aspect of the proposal that receives less than the maximum score. Associated Chem. and Envtl. Servs., et al., 67 Comp. Gen. 314 (1988), 88-1 CPD ¶ 248. There is no requirement on the part of the agency to identify relative weaknesses in a proposal which is technically acceptable but offers a relatively less desirable approach or more limited experience than others received. Id.; Fairchild Space and Defense Corp., B-243716; B-243716.2, Aug. 23, 1991, 91-2 CPD ¶ 190; Aydin Vector Div., B-243430, July 22, 1991, 91-2 CPD ¶ 79.

Here, while the Air Force did not specifically discuss its determination that the program manager would be unable to perform the cost tracking and control duties in addition to his other duties, we think that it was not required to do so. While the number of duties assigned to the program manager led the agency to give DSA's proposal a weakness, this was a relatively minor concern to the agency evaluators compared to the firm's schedule. The record shows that this weakness did not have any bearing on DSA's proposal risk assessment for this factor, it was not mentioned in the PAR's technical area summary, it was not listed as a significant factor under the SSET findings section of the PAR, and it is not mentioned in the source selection decision document. Since there is no evidence to suggest that this weakness would have prevented the agency from making award to DSA, and since this weakness was not viewed as significant compared to DSA's schedule, we do not believe that the Air Force was required to discuss this matter with DSA. See Booz, Allen & Hamilton, Inc., B-249236.4; B-249236.5, Mar. 5, 1993, 93-1 CPD ¶ 209.

With respect to the face-to-face meeting held with ARC, but not with DSA, the buyer for the agency has submitted a sworn statement explaining that she offered each offeror, including DSA, the opportunity for a face-to-face meeting at the conclusion of written discussions. Her statement also explains that DSA's representative asked if she could call back with an answer, and that DSA's representative later called and expressly declined the meeting. DSA's representative also states that the buyer called and explained that negotiations would close unless DSA had anything else to discuss. However, DSA's representative states that she "never had the impression" that DSA could request a face-to-face meeting.

While we are aware of the possibility that the buyer's statements were misunderstood by DSA's representative, in our view, regardless of whether the agency provided DSA an opportunity for further discussions, there is no evidence that DSA was prejudiced by not having a face-to-face meeting with agency representatives. DSA received written discussion questions, and even though it did not have a meeting with agency representatives, as did ARC, ARC was not selected for award. Nor did the awardee, Logicon, have such a meeting with the agency. Where no competitive prejudice is shown or otherwise evident, our Office will not sustain a protest, even if a deficiency is evident. See MetaMetrics, Inc., B-248603.2, Oct. 30, 1992, 92-2 CPD ¶ 306.[9]

Cost Realism Analysis

In its comments, DSA asserts for the first time that the agency performed an improper cost/price realism analysis by mechanically applying a government estimate to its proposed costs and overlooking its particular methods, personnel, and level of experience. DSA argues that its teaming arrangement with GTE would have reduced the costs of performing the project.

When agencies evaluate proposals for the award of a cost-reimbursement contract, an offeror's proposed estimated costs are not dispositive, because regardless of the costs proposed, the government is bound to pay the contractor its actual and allowable costs. FAR § 15.605(d). Consequently, a cost realism analysis must be performed by the agency to determine the extent to which an offeror's proposed costs represent what the contract should cost, assuming reasonable economy and efficiency. CACI, Inc.--Fed., 64 Comp. Gen. 71 (1984), 84-2 CPD ¶ 542. Because the contracting agency

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[9]We note that telephonic discussions were held between the agency and both DSA and Logicon on August 10.

is in the best position to make this cost realism determination, our review of an agency's exercise of judgment in this area is limited to determining whether the agency's cost evaluation was reasonably based and not arbitrary. Gen. Research Corp., 70 Comp. Gen. 279 (1991), 91-1 CPD ¶ 183, aff'd, American Mgmt. Sys., Inc.; Department of the Army--Recon., 70 Comp. Gen. 510 (1991), 91-1 CPD ¶ 492; Grey Advertising, Inc., 55 Comp. Gen. 1111 (1975), 76-1 CPD ¶ 325. To undertake a proper cost realism evaluation, the agency must independently analyze the realism of an offeror's proposed costs based upon its particular approach, personnel, and other circumstances. See Allied Cleaning Servs., Inc., 69 Comp. Gen. 248 (1990), 90-1 CPD ¶ 275.

Here, the PAR states that the agency evaluated the realism of each offeror's proposed cost/price, considering the weaknesses contained in the proposals. The SSET Chairperson states that the agency considered GTE's experience and applied the proper weight to the GTE-DSA working relationship. He acknowledges that DSA gained an advantage by its relationship with GTE with regard to developing enhancements to a tactical communications switching equipment portion of TNAPS+, but states that GTE's contributions to the TNAPS+ system did not comprise the majority of the capabilities required by the contract. In particular, the agency concluded that DSA would have to gain expertise with three separate types of equipment developed by four companies other than GTE. The contracting officer states that DSA's technical approach and specific experience and expertise of proposed personnel were considered, but were not determined to be unique or outstanding. As a result, the agency argues that it properly considered GTE's role in its evaluation of DSA's costs.

DSA does not rebut the agency's assessment of the impact of its teaming arrangement with GTE. Rather, the protester merely disagrees with the agency and states that its relationship with GTE would have a positive impact on meeting the schedule and reducing costs. As a result, we have no basis to conclude that the agency's cost/price realism analysis was unreasonable. Further, we find no evidence of a "mechanical" application of a government estimate, such as the use of a percentage range into which a contractor's estimate must fall vis-a-vis the government estimate. See, e.g., The Jonathan Corp.; Metro Mach. Corp., B-251698.3; B-251698.4, May 17, 1993, 93-2 CPD ¶ 174, aff'd, B-251698.6, Oct. 19, 1993, 93-2 CPD ¶ 233.

Responsibility

DSA finally argues that the agency improperly rejected its proposal based upon responsibility factors that should have been referred to the SBA. DSA asserts that the weaknesses concerning the staffing for cost tracking and control and the schedule of performance relate directly to DSA's capability to perform the project. Since DSA is a small business, the protester contends that the agency should have referred any question about its capability to perform the contract to SBA for consideration of a certificate of competency (COC).

Traditional responsibility factors, such as management capability, may be used for the comparative evaluation of proposals in relevant areas, Design Concepts, Inc., B-184754, Dec. 24, 1975, 75-2 CPD ¶ 410, and where a proposal is determined to be deficient pursuant to such an evaluation, the matter is one of relative technical merit, not unacceptability, which would require a referral to the SBA. Advanced Resources Int'l, Inc.--Recon., B-249679.2, Apr. 29, 1993, 93-1 CPD ¶ 348; Aerospace Design, Inc., B-247793, July 9, 1992, 92-2 CPD ¶ 11.

Here, as discussed above, DSA's proposal was not rejected as technically unacceptable. There was no determination of nonresponsibility, and no rejection of DSA's proposal solely on the basis of its weaknesses under the program management factor, regardless of how the rest of its proposal was judged. See, e.g., Clegg Indus., Inc., 70 Comp. Gen. 679 (1991), 91-2 CPD ¶ 145. Rather, the SSET found that DSA's proposal was weak under one of the technical evaluation factors listed in the solicitation. This information was used in a comparative analysis of all the proposals to determine which proposal would be most advantageous to the government. Under an integrated assessment of all the factors listed in the solicitation, DSA's proposal was not found to be as advantageous to the government as Logicon's proposal. Because the agency was not conducting a responsibility determination, but a comparative evaluation of the competing proposals under the evaluation criteria stated in section M of the RFP, the agency was not required to refer the matter to the SBA. See Advanced Resources Int'l, Inc.- Recon., supra; ASR Mgmt. & Technical Servs., B-244862.3; B-247422, Apr. 23, 1992, 92-1 CPD ¶ 383.

The protest is denied.

Robert P. Murphy
Acting General Counsel