



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Information Systems Technology Corporation
File: B-259996
Date: May 3, 1995

Paul J. Chun for the protester,
Lorenzo J. Falgiano, Kathleen C. Bridges, and Mike Colvin,
Department of Health and Human Services, for the agency.
Tania L. Calhoun, Esq., and Christine S. Melody, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Protester's contention that contracting agency improperly evaluated its technical proposal is denied where the record shows that the evaluation was reasonable and in accordance with the solicitation's evaluation factors; most of the protester's specific challenges amount to a mere disagreement with the agency's evaluation, which does not establish that evaluation was unreasonable.

DECISION

Information Systems Technology Corporation (ISTC) protests the award of a contract to American Social Health Association (ASHA) under request for proposals (RFP) No. 200-94-0852(P), issued by the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), for the establishment and maintenance of a National Sexually Transmitted Disease (STD) Hotline. ISTC argues that the agency improperly evaluated its proposal.

We deny the protest.

The solicitation, issued on August 10, 1994, anticipated the award of a cost-plus-fixed-fee contract for these services for a base year and up to 1 option year. The hotline is intended to serve the nation's general population, including rural communities and areas with limited access to STD information, by giving callers current STD prevention and other information, as well as referrals, via toll-free calling. The RFP stated that the hotline's current use of eight telephone lines¹ resulted in a blockage--busy signal--rate of up to 70 percent during the busiest hours,

¹ASHA is the incumbent provider of these services.

and the agency anticipated eventually increasing the number of lines. However, the RFP specifically stated that the successful contractor would be required to initially provide a total capacity of eight telephone lines, which number might be adjusted up or down during the course of the contract as necessary, and to utilize an FTS2000 network circuit.²

The RFP stated that technical proposals and costs would be of approximately equal importance, and listed five technical evaluation factors--methodology and approach, understanding of the project, personnel, corporate capability, and facilities and equipment--along with their respective weights, for a maximum possible score of 100 points.

The technical evaluation panel (TEP) evaluated the three proposals submitted by the September 20 closing date, and included only ASHA's and ISTC's proposals in the competitive range. After discussions were conducted with both offerors, best and final offers (BAFO) were submitted and evaluated. ASHA's proposal was rated technically superior, with a score of 92.8, and its proposed cost was \$1,688,250. ISTC's proposal was rated technically acceptable, with a score of 79.8, and its proposed cost was \$1,793,324. Since ASHA submitted the highest technically rated, lowest-cost offer, the CDC awarded it the contract, and this protest followed.

ISTC argues that the agency improperly evaluated its technical proposal, and specifically challenges each of the weaknesses noted by the TEP in its detailed debriefing.

In reviewing an agency's evaluation of proposals, our Office will only question the agency's evaluation where it lacks a reasonable basis or is inconsistent with the stated evaluation criteria for award. DeLima Assocs., B-258278.2, Dec. 20, 1994, 94-2 CPD ¶ 253. Our review of the record shows that the agency's evaluation here was reasonable and consistent with the evaluation criteria.

ISTC's principal challenge to the evaluation concerns the technical method it proposed to meet the agency's requirements. As discussed above, the RFP specifically required the successful contractor to initially provide a total capacity of eight telephone lines. ISTC's initial proposal was internally inconsistent with respect to the number of telephone lines it proposed. Different sections of the submission proposed 16 local lines, with 12 tied into telephone workstations; 16 local lines, with 13 tied into telephone workstations; and 13 lines, with expandability to

²The Federal Telecommunications System intercity network (FTS2000) is the government's long-distance network.

16 lines, respectively. As a result, the TEP believed that ISTC's discussion of telephone lines and workstations was not clear. Moreover, the RFP's requirement for an initial eight lines, which was included due to budget restrictions, indicated that ISTC's proposal to increase the number of telephone lines and associated staff might not be viable.

During negotiations, ISTC was told that its discussion of telephone lines, ports, workstations, and routing of incoming calls was not clear, and that the validity of its proposed approach to managing calls could not be judged. However, ISTC's BAFO did not clarify the statements made in its proposal, but tried a new approach fraught with its own inconsistencies. It now stated that it would use one FTS2000 T-1 line, which contains 24 channels and can carry 24 calls, and that the usage cost for such a line would be lower than for a regular line. However, elsewhere in the BAFO, ISTC stated that it would install 18 internal telephone lines, all of which would be connected into the automated voice information system (VIS) computer, and would also install 14 internal telephone lines into 14 workstations.

The TEP remained confused as to exactly what ISTC was proposing, as it did not understand how 24 channels could branch into 18 VIS lines plus 14 internal lines. Moreover, ISTC still proposed more lines than the RFP requested, and the TEP did not believe ISTC's assertion that such an approach would not involve additional costs to the government.³ ISTC's proposal was consequently downgraded.

ISTC argues that its BAFO did not exceed the RFP's requirement for 8 telephone lines because it offered only 1 T-1 line with 24 channels. In other words, ISTC now interprets the RFP's use of the term "line" as encompassing a T-1 line.

When a dispute exists as to the actual meaning of a solicitation requirement, our Office will resolve the matter by reading the solicitation as a whole and in a manner that gives effect to all provisions of the solicitation. Plum Run, B-256869, July 21, 1994, 94-2 CPD ¶ 38. A solicitation requirement is only considered ambiguous when it is susceptible to two or more reasonable interpretations. Id. Our consideration of ISTC's BAFO and its submissions in this matter, along with a review of telecommunications technology and terminology, shows that ISTC's interpretation is unreasonable.

³The costs of FTS2000 are billed directly to the government from the FTS2000 contractor.

T carriers are any of several digitally multiplexed carrier systems. The T-1 carrier is a digital transmission link that normally handles 24 voice conversations over 24 channels, and is used to connect networks across remote distances. Newton's Telecom Dictionary, Harry Newton, 1992, at 870-871. The term T-1 refers both to the common carrier's service, and to the transmission "lines" along which the signals travel. The Facts on File Dictionary of Telecommunications, revised ed., John Graham, 1991, at 150. Thus, it can be accurately said that ISTC proposed one T-1 "line" with 24 channels. However, it is also true that the term "channel" is interchangeable with the term "line." Newton's Telecom Dictionary, *supra*, at 183; Communications Standard Dictionary, second ed., Martin H. Weik, 1989, at 587. Thus, it can also be accurately said that one T-1 "line" has 24 "lines."

Far from providing us with any basis to believe that its interpretation--that the RFP's requirement for eight telephone "lines" refers to T-1 lines--is reasonable, ISTC discounts its own interpretation in its submissions to this Office. ISTC's comments on the agency report state that "[t]he FTS2000 project management staff are too smart to allow eight FTS-2000 lines for the STD hotline," and that ISTC offers one FTS2000 line with 24 channel capability. This language clearly evidence's ISTC's own view that the RFP could not be requiring eight T-1 lines. In addition, in another submission, ISTC states that the FTS2000 project management "will not allocate more than one T-1 line for the hotline project." ISTC further undermines its interpretation when it asserts that it did not limit its offer to utilizing 24 channels, but could negotiate, after award, for the "proper number" of channels.⁴ Finally, ISTC's argument that the successful offeror proposed eight T-1 lines is based upon a wholly unreasonable and disjointed reading of a redacted version of the awardee's proposal: ASHA proposed to provide eight lines, and makes reference to the quality of its T-1 circuits.

ISTC's proposal was downgraded primarily because the TEP did not believe the firm's claim that its approach using 24 channels would not involve additional costs to the government. ISTC asserts that activation of channels will not cost any amount, and that costs will accrue only by the actual usage of the T-1 line: the number of calls received and the average duration of these calls. CDC concedes that activation of the channels would not be charged to the government, but contends that, once the lines are activated, the government will pay by the minute for the use of each

⁴ISTC's BAFO does not indicate that the firm would offer fewer than 24 channels.

active channel. CDC states that an AT&T Regional Project Manager for FTS2000 confirmed that CDC would be billed for each activated channel utilized by the hotline contractor. ISTC's argument assumes a constant number of calls, based on the RFP's estimate of the number of calls the hotline has received historically, whether there are 8 or 24 lines. However, ISTC fails to consider that the historical estimate is based on the availability of eight lines, and that additional lines will allow the hotline to receive more calls. Since, as ISTC itself states, usage costs are dependent upon the number of calls received, the agency's conclusion that 24 lines would cost the government more than 8 lines is reasonable.

The record reflects that underlying ISTC's protest is ISTC's belief that the hotline's stated blockage rate of up to 70 percent, achieved with 8 telephone lines, presented a problem that should be solved. ISTC asserts that offering the government more telephone lines will lower the blockage rate. While CDC agrees that ISTC's approach might do what it asserts, it correctly points out that the RFP did not require offerors to lower the blockage rate, and merely provided the rate as background information in its explanation of why, in the future, additional lines might be required. ISTC's interpretation of this information as an invitation to solve the blockage rate problem, in direct contradiction of the very terms of the solicitation, does not require the agency to accept that invitation.

Our review of ISTC's remaining challenges to the technical evaluation shows them to be wholly without basis. Each of these challenges, wherein ISTC asserts that its BAFO reply to discussion questions was responsive to the agency's concerns, amounts to a mere disagreement with the agency's judgment. A protester's mere disagreement with the agency over its technical evaluation does not establish that the evaluation was unreasonable. Horizon Trading Co., Inc.; Drexel Heritage Furnishings, Inc., B-231177; B-231177.2, July 26, 1988, 88-2 CPD ¶ 86.

Under the "understanding the project" factor, a maximum of 4.8 points was deducted from ISTC's score because, among other things, it did not show that it understood the relationship between STDs and the human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS); did not mention a disease-specific menu in its VIS system; and its proposed cross-training for personnel appeared to ignore the skills and needs of information specialists. ISTC's argument that its BAFO did satisfactorily address these concerns, all of which were raised during discussions, is not borne out by a review of the BAFO. ISTC simply stated that callers with questions about HIV/AIDS would be referred to the AIDS hotline, but did not provide information about

the relationship between STDs and the risk of HIV/AIDS infection. ISTC's response regarding the VIS menu confirmed the TEP's concern, as it merely discussed a greeting message, not a disease-specific menu. Finally, while ISTC stated that it planned to cross-train personnel in case additional information specialists were required, such as in the event of epidemic disease, it did not address the concern that, as the skills and needs of information specialists differ from those of administrative staff, cross-training might not be desirable.

Under the "methodology and approach" factor, a maximum of 8.6 points was deducted from ISTC's score because, among other things, it did not provide detailed information about its interview process; did not discuss role play in the context of its training methodology; and proposed to conduct its own caller survey which would be provided to the CDC project officer. Again, ISTC's arguments that it adequately addressed these concerns in its BAFO are unsupported. The firm stated who would conduct the interviews and provided a list of personnel qualifications, but did not address the interview process, *i.e.*, what happens during the interview and what is asked. While the firm claims that its BAFO response included role play, the passage to which the protester refers does not describe role play, but training sessions in finding the canned responses. Finally, ISTC stated that it would submit its survey plan to the project officer, but did not recognize the RFP's requirement that the project officer play the lead role in such matters.

Finally, while ISTC also challenges the TEP's deduction of a maximum 5.6 points from its technical score under the "personnel" and "facilities and equipment" factors, we need not address these allegations because, even if ISTC is correct, since the difference between its technical score and ASHA's is well in excess of 5.6 points, ISTC was not prejudiced by any impropriety that may have occurred. Prejudice is an essential element of any viable protest. Lithos Restoration, Ltd., 71 Comp. Gen. 367 (1992), 92-1 CPD ¶ 379; see also ITT Fed. Servs. Corp., B-253740.2, May 27, 1994, 94-2 CPD ¶ 30.

The protest is denied.

Michael L. Golden
for Robert P. Murphy
General Counsel