

Matter of: Amtec Corporation
File: B-261487
Date: September 28, 1995

W. P. Albritton, Jr., for the protester.
Jacob B. Pompan, Esq., Pompan, Ruffner & Werfel, for Halifax Corporation, an interested party.
Genevia M. Fontenot, Esq., and Craig E. Hodge, Esq., Department of the Army, for the agency.
Henry J. Gorczycki, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

In a negotiated procurement for technical services supporting the procuring agency's computerized simulation facility, the agency properly requested information concerning the protester's personnel's specific experience with unique computerized simulation systems, where the solicitation informed offerors that their personnel and approach to satisfying the statement of work would be evaluated and the statement of work required specific experience at the facility or a "similar facility," which the solicitation defined as including the same unique equipment operated in the agency's facility.

DECISION

Amtec Corporation protests the evaluation of proposals under request for proposals (RFP) No. DAAH01-94-R-R009, issued by the United States Army Missile Command (MICOM) for technical support services for the advanced simulation processor complex/imaging infrared (ASPC/IIR) simulation system and related hybrid systems at the Advanced Simulation Center, Redstone Arsenal, Alabama.

We deny the protest.

The RFP contemplated award of cost-plus-fixed-fee, level-of-effort contract for 1 year, with options to extend the contract period to 3 years to support the agency's computer simulation system at Redstone Arsenal. Prior to the issuance of this solicitation, these services were acquired on a sole-source basis. The RFP was issued on a restricted

basis to three firms, including Amtec and Halifax Corporation.

The RFP provided a detailed statement of work (SOW), describing the required services for this complex computer system. Among other things, the contractor will perform design and development services for the low cost host (LCH)¹ and SIMSTAR simulation processors,² which are part of the agency's Advanced Simulation Center. In pertinent part, the SOW required that the contractor maintain a full-time engineering staff with experience in hardware/software improvements and modifications, and hardware-in-the-loop real-time operations with the ASPC/IIR simulation system and related hybrid systems at the Advanced Simulation Center, or a similar facility. The SOW defined a similar facility as:

"[a] computer facility having as its primary function real-time simulation, concurrently operating multiple SIMSTAR computer systems in a graphics rich environment."

The RFP provided for award on a best value basis and informed offerors that the evaluation would be conducted in two stages, the first of which was to determine on a "go/no go" basis whether an offeror's key personnel satisfied certain minimum personnel experience requirements stated in the statement of work (SOW).³ Next, offers satisfying the go/no go personnel experience evaluation would be evaluated under the following four evaluation factors: technical, management, cost, and past performance. Offerors were informed that the technical factor was significantly more important than cost, which was somewhat more important than the management and performance risk factors, which were of equal importance. The RFP also informed offerors under the "[e]xperience and availability of the required staff and

¹The LCH is a parallel processor computer system with customized software and a data broadcast system for interconnecting simulation hardware/software. The LCH is integrated with the SIMSTAR system.

²SIMSTAR is a digital/analog computer system, which with specialized software provides simulation models for real-time hardware-in-the-loop simulation development.

³These minimum experience requirements included education requirements for each position and, depending upon the position, stated a number of years experience in either "modern, large scale, high speed, real time, hybrid computer systems designed for simulation applications (i.e., SIMSTAR)," or "servicing of equipment in the ASPC/IIR [simulation system] and related hybrid systems, or a similar facility."

their qualifications to conduct the technical requirements" technical evaluation subfactor that:

"[c]apabilities of identified key personnel . . . based on quality of experience, continuing education, publications, etc. [will be evaluated]. Evaluation is in addition to the GO/NO GO evaluation described . . . above. Notwithstanding the contractor personnel meeting the requirement, extra credit may be given for personnel exceeding minimum standards."

Included in the evaluation of technical, management and cost was an assessment of proposal risk which the RFP defined as "[t]hose risks associated with an offeror's proposed approach in meeting the government's requirements."

Proposals were received from Amtec and Halifax, and written and oral discussions conducted with each offeror. Among other things, MICOM informed Amtec that its proposal satisfied all of the minimum requirements and contained no deficiencies but that its proposal contained "weaknesses," or areas in which Amtec could improve its proposal. These identified weaknesses concerned the extent of experience of Amtec's proposed personnel in the design, development, or modification of LCH or SIMSTAR equipment and systems installed at the Advanced Simulation Center or at a similar facility. MICOM determined that these concerns regarding personnel experience with this equipment and systems was a proposal risk; that is, Amtec may encounter problems in performing all the stated technical requirements given the level of specific experience shown for its proposed personnel in performing such tasks. MICOM informed Amtec that:

"[t]hese weaknesses, when accumulated, have the potential for adversely impacting your proposal's overall rating. You are not required to do this, but if you care to answer our concerns it should improve your proposal."

After numerous exchanges between Amtec and MICOM concerning the appropriateness of the discussion questions under the stated evaluation criteria, MICOM closed discussions and requested best and final offers (BAFO). Amtec protested MICOM's actions to the agency, and then to our Office after the rejection of its agency-level protest.

Amtec essentially alleges that, since its proposal meets or exceeds all of the minimum requirements stated in the RFP, it is unreasonable for the agency to assess any weakness or proposal risk in its proposal. Amtec particularly argues

that MICOM cannot evaluate the experience of Amtec's proposed personnel based on a lack of specific experience with designing, developing or modifying LCH or SIMSTAR equipment and systems, as the RFP allegedly did not state that such specific experience would be evaluated. Accordingly, Amtec challenges MICOM's discussion questions concerning the specific experience of its proposed personnel with the unique equipment and systems of the Advanced Simulation Center.

It is fundamental that offerors must be advised of the bases upon which their proposals will be evaluated and, in particular, that the solicitation state, at a minimum, all significant evaluation factors and significant subfactors and their relative importance. 10 U.S.C. § 2305(a)(2)(A) (1994); Federal Acquisition Regulation § 15.605(e) (FAC 90-7); H.J. Group Ventures, Inc., B-246139, Feb. 19, 1992, 92-1 CPD ¶ 203. However, a solicitation need not identify each element to be considered by the agency during the course of the evaluation where such element is intrinsic to the stated factors or subfactors. Marine Animal Prods. Int'l, Inc., B-247150.2, July 13, 1992, 92-2 CPD ¶ 16.

Here, the RFP provided for an evaluation of personnel experience, first to determine compliance with the stated minimum requirements (*i.e.*, a go/no go evaluation),⁴ and then for assessing the "quality" of personnel experience as it relates to the capabilities of proposed personnel to perform the technical requirements of this RFP. Specifically, the RFP provided that the "[c]ontractor will be evaluated based on proposed technical approach to provide the effort set out in the [SOW]" and that included in this evaluation would be an assessment of the risks associated with the offeror's proposed approach. The SOW required personnel with experience operating, improving, and modifying either the ASPC/IIR simulation system at the Advanced Simulation Center, or at a similar facility.⁵ As

⁴Amtec's satisfaction of the go/no go evaluation factor is not at issue in this protest.

⁵We find untimely Amtec's post-closing date arguments that the agency could not consider specific experience with SIMSTAR or with the systems at the Advanced Simulation Center because this would favor the incumbent contractor. Because the RFP stated that experience with these specific systems would be evaluated, this allegation concerns an alleged impropriety that was apparent on the face of the solicitation. Protests of apparent alleged solicitation improprieties must be filed prior to the time set for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1) (1995). In any event, there is no requirement for agencies to

(continued...)

noted above, a similar facility was defined as one operating multiple SIMSTAR computer systems in a graphics rich environment.

While it is true that Amtec's proposal was found to satisfy the go/no go personnel factor, the RFP provided for the qualitative evaluation of personnel experience beyond merely assessing whether proposed personnel satisfied the minimum go/no go requirements. The protested discussion questions request information that will allow the agency to perform this qualitative evaluation of the experience of Amtec's proposed personnel. The fact that the information concerns specific LCH and SIMSTAR experience does not make the questions improper--this clearly is encompassed by the RFP evaluation scheme providing for evaluation of the "quality" of experience. Thus, we find no basis to challenge MICOM's conduct of discussions in this case.

The protest is denied.

\s\ Ronald Berger
for Robert P. Murphy
General Counsel

⁵(...continued)
equalize or discount an incumbent's advantage, so long as the advantage is not the result of preferential treatment or other unfair action by the government. See Liberty Assocs., Inc., B-232650, Jan. 11, 1989, 89-1 CPD ¶ 29.