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**United States Government Accountability Office  
Washington, DC 20548**

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## **Decision**

**Matter of:** Naiad Inflatables of Newport

**File:** B-405221

**Date:** September 19, 2011

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Mary Beth Bosco, Esq., and Elizabeth M. Gill, Esq., Patton Boggs LLP, for the protester.

John J. Crowley Jr., Esq., Coale, Dukes, Kirkpatrick & Crowley, PC, for the intervenor.

Timothy A. Chenault, Esq., and Wilbert Jones, Esq., United States Coast Guard, for the agency.

Cherie J. Owen, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### **DIGEST**

Protest of deficiencies, significant weaknesses, and weaknesses assigned to the protester's proposal is denied where the solicitation called for specific information that was not furnished in the protester's proposal and the record shows that the agency performed a reasonable evaluation in accordance with the solicitation's evaluation criteria.

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### **DECISION**

Naiad Inflatables of Newport, a firm from Portsmouth, Rhode Island, protests the award of four contracts for rigid hull Cutter Boat Over-The Horizon IV (CB-OTH-IV) boats under request for proposals (RFP) No. HSCG23-11-R-ADB013, issued by the Department of Homeland Security, United States Coast Guard. Naiad contends that the agency improperly evaluated its proposal and that the agency unreasonably refused to accept additional information from the protester after the due date for receipt of proposals.

We deny the protest.

The Coast Guard has an inventory of a variety of cutter ships--vessels that are 65 feet or longer and have adequate accommodations for a permanently assigned crew to live aboard. The Coast Guard also has an inventory of over 350 smaller boats of different sizes and shapes that are carried on board or deployed by a cutter. Because

these boats are carried on cutters, the small boats are called “cutter boats.” Cutter boats are launched and recovered from cutters by way of mechanical lifting systems or stern launch and recovery systems. Agency Dismissal Request, Statement of Technical Evaluation Team Chairman, at 4-5. In this procurement, the Coast Guard sought a contractor to design and build a cutter boat termed the Cutter Boat-Over the Horizon-IV (CB-OTH-IV), that will be used to transport Coast Guard teams for law enforcement and homeland security boardings; transport rescue and assistance equipment and teams during search and rescue missions; intercept high speed vessels involved in smuggling; and provide port security escorts of “high value assets” and “high value units.” RFP at 000022.<sup>1</sup>

The RFP, issued as a small business set-aside on December 14, 2010, provided for the award of up to four fixed-price, indefinite-delivery/indefinite-quantity contracts for up to 101 CB-OTH-IV boats. This procurement was to be conducted in two phases--after making award to up to four awardees during this phase of the acquisition, the agency will order one boat from each awardee, test the boats, and select one firm to receive the delivery orders for all future orders. The RFP informed offerors that the agency planned to award the contracts in this phase of the procurement without conducting discussions. RFP at 000244.

The RFP specified that the CB-OTH-IV boats must be able to be launched and recovered from three classes of parent cutters: National Security Cutters, Fast Response Cutters, and Legacy Cutters. The CB-OTH-IV will be launched and recovered from the 421-foot National Security Cutter and the 154 foot Fast Response Cutter using a stern launch and recovery system. Although each cutter class has a different system, stern launch and recovery systems generally involve the boat entering a ramp or rail at the back of the cutter, and then being pulled up the ramp or rail onto the cutter. RFP at 000119-28. The CB-OTH-IV must also be launched and recovered from 210-foot and 270-foot Medium Endurance Cutters, termed “Legacy Cutters” by the agency. These cutters do not have stern launch and recovery systems; rather, they recover the cutter boat using davits and wire ropes to hoist it over the side of the cutter.

The solicitation provided that the agency would consider the following non-price evaluation factors in descending order of importance: (1) mission effectiveness; (2) supportability; and (3) relevant past performance. RFP at 000275. These factors, when combined, were approximately equal in weight to price. *Id.* With regard to the mission effectiveness factor, the RFP stated that the factor included all facets of the offeror’s technical solution. *Id.* at 000268. The solicitation instructed that, in addressing this evaluation factor, offerors should provide a narrative description of any features that allow the proposed CB-OTH-IV boat to accomplish its mission as described in the solicitation. The agency stated that this should include, at a

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<sup>1</sup> Page numbers refer to the BATES numbers in the Agency Report (AR).

minimum, addressing several specified areas, such as design maturity, weight, stability, and structural design. Id. at 000268-69.

The RFP further advised offerors that their proposals must demonstrate the boat's mission effectiveness and supportability under the specifications, and warned that simply restating the specification or providing a blanket statement of compliance would be insufficient and would not be accepted as a demonstration of the offeror's capabilities. RFP at 000234. The RFP advised that if an offeror failed to sequentially address all specifications, simply restated the requirements, or failed to comply with any of the RFP instructions, the proposal could be rejected and eliminated from further consideration. Id. The RFP further instructed offerors that their proposals must be specific, detailed, and comprehensive enough to enable technical personnel to make a thorough evaluation of the proposed boat and the offeror's capabilities. Id.

As relevant here, the RFP required that CB-OTH-IV boats "shall meet the stability and buoyancy criteria of this specification using ISO 12217-1:2002 Design Category C, Option 4." Id. at 000048. The RFP required that the boat's deck space be configured to minimize obstacles and snag or bumping hazards, and that the deck space be sufficient to conduct activities such as helicopter hoist of a rescue basket, launch and recovery, towing, mooring, weapons operations, and recovery by two crew members of persons from the water. Id. at 000042-43. Under the heading "261 Fuel System," the solicitation required that the boat's fuel tank be designed to be easily accessible, removable with hand tools, and be positioned to allow complete access to the tank and adjacent spaces for periodic inspection. Id. at 000073.

With regard to the boat's weight, the RFP required that offerors provide a narrative describing how the proposed weight was estimated, the rationale behind any weight margins used, and the weight control method to be employed. Offerors were required to submit a weight estimate that included the light ship weight, center of gravity, the weights and centers of gravity of the variable loads, and the weight and center of gravity in all loading conditions specified in the solicitation. Id. at 000235, 000268.

In order for the CB-OTH-IV boat to be launched and recovered by National Security Cutters, the solicitation provided that the CB-OTH-IV boat must have a bow post that can be used to capture the boat as it is recovered. RFP at 000121-22. The RFP also included a photo of a boat being recovered by a National Security Cutter using the required bow post. Id. at 000122.

The RFP also required that offerors' boats be recoverable by Legacy Cutters. The solicitation stated that launch and recovery from Legacy Cutters would be accomplished using a hydraulically operated system for launching and recovering

the boats from the side of the cutter using davits<sup>2</sup>. RFP at 000128. Drawings in the solicitation indicated that the Legacy Cutters used davits and wire rope placed at the front and back of the CB-OTH-IV boat to hoist the boat onto the cutter. Id. at 000129. The drawings showed that the davit arms would be positioned between 17 feet, 8 ¾ inches to 20 feet, 3 ½ inches apart. The arms would have 6 feet of vertical clearance above the cradles. The RFP also required that the CB-OTH-IV boat be constructed with particular attention to strength, fatigue resistance, and impact resistance. RFP at 000301.

The agency received nine proposals from eight offerors by the proposal due date. AR at 1. Naiad's proposal was based on a boat that the firm had previously designed to interact exclusively with Fast Response Cutters. After receiving proposals, the agency noticed that, while all of the pricing worksheets were correct, 8 of the 9 proposals, including Naiad's proposal, had clerical errors in carrying over the figures to the SF 1449. AR at 1; AR, Tab 13, Business Clearance Memorandum, at 000016. Therefore, the agency sent requests for clarification to the offerors. Id. All requests for clarification stated that the agency expected to make award without discussions and that the clarifications were intended to resolve minor or clerical errors. The clarification requests also stated that "revised proposals are **NOT** permitted." AR, Tab 9, Naiad Clarifications, at 000388 (emphasis in original).

In conducting clarifications, the agency also asked Naiad to clarify how its forward bit arrangement (bow post) would work as a capture mechanism for the National Security Cutter stern launch and recovery system. Id. at 000380. In response, Naiad provided six paragraphs of narrative, accompanied by additional drawings, that was not contained in the original proposal. Id. at 000380-82. Naiad's response stated that it intended to provide [deleted], but believed that further discussion with the agency was needed on the design to ensure that the design would not interfere with the assembly for stern launch and recovery on the Fast Response Cutter. Id. at 000380. The protester specified that the fairing required for automatic capture on the National Security Cutter could interfere with the assembly and capture system if it could not be removed. Naiad provided further details about the hook assembly, but stated that it was the protester's intention to work out the final details of the assembly in design review with the agency.<sup>3</sup>

The agency found that Naiad's response constituted an attempt to change the protester's proposal and noted that the new bow post arrangement drawings indicated a different bow post arrangement than originally proposed. AR, Tab 9,

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<sup>2</sup> A davit is a structure, usually made of steel, which is used to lower things over an edge of a long drop off.

<sup>3</sup> The agency states that there is no design review stage in this procurement. AR, Tab 2, Contracting Officer's Statement, at 000014.

Naiad Proposal and Clarifications, at 000383. Therefore, the agency did not accept Naiad's narrative response and additional drawings. Id.

The proposals were first evaluated individually by the technical evaluation team (TET) members. AR, Tab 3, Statement of TET Chair, at 6. Following the independent review, the TET met to discuss each proposal and establish a consensus evaluation, which was recorded in the technical evaluation report. Id.

The TET assigned the following ratings under the mission effectiveness and supportability factors:

<b>Offeror</b>	<b>Mission Effectiveness</b>	<b>Supportability</b>
MetalCraft Marine US Inc.	Superior	Superior
William E. Munson Co.	Satisfactory	Superior
Naiad	Unsatisfactory	Superior
SAFE Boats Int'l LLC	Superior	Superior
Silver Ships, Inc.	Satisfactory	Satisfactory

AR, Tab 13, Business Clearance Memorandum, at 000010.

With regard to Naiad, the TET noted three deficiencies, one significant weakness, and three weaknesses. Specifically, the TET found the following deficiencies in Naiad's proposal: (1) it did not sufficiently demonstrate that its bow post arrangement was compatible with the National Security Cutter launch and recovery system; (2) it proposed a lifting system that would not function with the Legacy Cutter's davit recovery system; and (3) the proposed bottom structure of the boat was not suitable for impact loads associated with stern launch and recovery. Id. at 000036. The TET assigned a significant weakness to Naiad's proposal because it did not submit weight estimate calculations to support the boat's weight estimate. Id. at 000035. The TET also concluded that the proposal contained the following three weaknesses: (1) the proposal did not contain stability calculations to show compliance with the ISO 12217-1 standard set forth in the RFP; (2) the aft working space was very limited due to the shock mitigating seating arrangement and does not adequately support operations required by the solicitation; and (3) the proposed fuel tank did not meet the RFP's requirement that it be readily accessible. Id. The agency determined that Naiad's proposal was unsatisfactory under the Mission Effectiveness evaluation factor and presented a high degree of risk. AR, Tab 13, Final TET Report at 000033. Therefore, Naiad's proposal was not selected for award.

After receiving a debriefing, Naiad filed a protest with our Office.

## DISCUSSION

Naiad challenges each of the deficiencies, significant weaknesses, and weaknesses attributed to its proposal. Naiad also contends that the agency unreasonably refused to accept a drawing that the firm attempted to submit after the due date for proposals. Naiad argues that the drawing was merely a clarification of its proposal, and that the agency's refusal to accept the drawing was improper. Naiad also contends that the agency's evaluation was unreasonable in light of the fact that the firm has already designed a similar boat which was accepted by the agency. Finally, the protester contends that the TET's consensus evaluation was unreasonable because certain items rated as weaknesses by individual evaluators were deemed to be deficiencies in the consensus report.

In reviewing a protest challenging the agency's evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of proposals is generally a matter within the agency's discretion. Smiths Detection, Inc.; Amer. Sci. and Eng'g, Inc., B-402168.4 *et al.*, Feb. 9, 2011, 2011 CPD ¶ 39 at 6-7. Rather, we will review the record only to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. Since an agency's evaluation is dependent on the information furnished in a proposal, it is the offeror's responsibility to submit an adequately written proposal for the agency to evaluate. Structural Assoc., Inc., B-403085.2, Sept. 21, 2010, 2010 CPD ¶ 234 at 3. Agencies are not required to adapt their evaluation to comply with an offeror's submission, or otherwise go in search of information that an offeror has omitted or failed adequately to present. *Id.*; LS3, Inc., B-401948.11, July 21, 2010, 2010 CPD ¶ 168 at 3, n.1; Hi-Tec Sys., Inc., B-402590, B-402590.2, June 7, 2010, 2010 CPD ¶ 156 at 3.

### Bow Post Arrangement

The solicitation required that the proposed CB-OTH-IV boat be recoverable by National Security Cutters using the bow post. The National Security Cutter employs a launch and recovery system that is different from the other cutters in the Coast Guard's fleet. Agency Dismissal Request, Statement of TET Chairman, at 7. This cutter has an automated capture mechanism--during recovery of the boat, the capture bow post for the CB-OTH-IV boat must be designed to automatically snag a capture line stretching across the stern ramp. *Id.* The agency found that the bow post arrangement of Naiad's proposed boat appeared to have been designed for the Fast Response Cutter stern launch and recovery system with little consideration for the National Security Cutter interface. AR, Tab 13, Business Clearance Memorandum, at 000036. The agency noted that Naiad's post-type arrangement will

not successfully interface with the capture line of the National Security Cutter's system, as required by the RFP.<sup>4</sup> Id.; see RFP at 000121-22.

The protester contends that this assessment is unreasonable because Naiad has a design for [deleted]. Protest at 9. Specifically, the protester contends that the following statement from its proposal should have been sufficient to satisfy the requirement:

It is the intention of Naiad to provide [deleted]<sup>5</sup> included in the design of the FRC-SCB bow post . . . [deleted] are required to interface with the Sea Catch mechanism on the [Fast Response Cutter] and other cutters in the USCG fleet. Without [deleted] the Naiad CB-OTH-IV [boat] cannot be properly secured in the notch after retrieval. These are shown in the attached drawings.

AR, Tab 9, Naiad Proposal, at 000100 (emphasis added). The protester's attached drawing depicted the bow post, but did not show the protester's proposed [deleted] or provide any additional information regarding the [deleted] or how they would interact with the National Security Cutter. See AR, Tab 9, Naiad Proposal, at 000284.

The agency requested clarification about how Naiad's bow post would work as a capture mechanism for the National Security Cutter stern launch and recovery system. As discussed above, the protester provided six paragraphs of narrative response, accompanied by additional drawings that were not contained in the original proposal. Id. at 000380-82. Naiad's response stated that it intended to provide a [deleted], and that it was also developing a [deleted], the design of which would be finalized at a later date. AR, Tab 9, Naiad Clarifications, at 000380-81. Because the agency considered this response to be an attempt to engage in discussions, the agency did not accept Naiad's narrative response and additional drawings.

Clarifications are "limited exchanges" between the agency and offerors that may allow offerors to clarify certain aspects of proposals or to resolve minor or clerical mistakes. Federal Acquisition Regulation (FAR) § 15.306(a)(2); Computer Sci. Corp., et al., B-298494.2, et al., May 10, 2007, 2007 CPD ¶ 103 at 9. Discussions, on the other hand, occur when an agency indicates to an offeror significant weaknesses, deficiencies, and other aspects of its proposal that could be altered or explained to materially enhance the proposal's potential for award or to obtain information from

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<sup>4</sup> In fact, the Coast Guard notes that Naiad's proposal did not make a single specific reference to the National Security Cutter, even though the requirements for compatibility with that cutter class was a major feature of this acquisition. AR at 2.

<sup>5</sup> [deleted].

the offeror that is necessary to determine the proposal's acceptability. Computer Sci. Corp., et al., supra, at 9; see FAR § 15.306(d)(3).

The agency argues, and we agree, that Naiad's attempt to supplement its proposal with information about its boat's ability to interface with National Security Cutters, its proposal of a new [deleted], and its additional drawings would have constituted discussions. Indeed, the protester itself argues that, had it been permitted to submit the additional information, then it would not have received this deficiency and the firm's technical score would have been improved. Protest at 11. Therefore, we find that the agency's rejection of Naiad's additional submission was reasonable.

We also agree with the agency's determination that the proposal's passing reference to the boat interfacing with "other cutters" did not sufficiently address the solicitation's requirement that proposals demonstrate the boat's ability to interface with the National Security Cutter. It is an offeror's responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. American Title Serv., a Joint Venture, B-404455, Feb. 4, 2011, 2011 CPD ¶ 38 at 4; International Med. Corps, B-403688, Dec. 6, 2010, 2010 CPD ¶ 292 at 7. Therefore, this protest ground is denied.<sup>6</sup>

#### Lifting System

Naiad also challenges the agency's assignment of a deficiency for failure to propose a lifting system that would function with the Legacy Cutter's davit recovery system. The protester contends that Appendix D of its proposal adequately addressed the requirement that the CB-OTH-IV boat be able to function with the twin pivot arm davit system of Legacy Cutters. Comments at 14. A drawing in Appendix D of Naiad's proposal, titled [deleted] shows the spacing between the front and back lifting points to be [deleted].<sup>7</sup> The drawing contains a notation that states, "[deleted] Alternative arrangements are possible." AR, Tab 9, Naiad Proposal, at 000207. The protester contends that it planned to work with the agency during design review to

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<sup>6</sup> To the extent that the protester argues that the solicitation's description of the National Security Cutter's system was not sufficiently detailed to allow offerors to develop designs that would properly interact with the Cutter, this protest ground is untimely since it concerns an alleged impropriety apparent on the face of the solicitation, which Naiad did not raise prior to the due date for receipt of proposals. 4 C.F.R. § 21.2(a)(1) (2011).

<sup>7</sup> Approximately [deleted].

discuss the specific lifting arrangements to be used with Legacy Cutters.<sup>8</sup> Protest at 9.

In assigning this deficiency, the agency noted that the RFP informed offerors that the horizontal spacing between lifting points on the Legacy Cutter was between 17 feet, 8.75 inches to 20 feet, 3.5 inches. RFP at 000129. The record confirms the agency's conclusion that the protester did not adequately explain how its lifting points, spaced at approximately [deleted] would work with the Legacy Cutter's equipment, which was spaced at a minimum of 17 feet, 8.75 inches. Further, the agency evaluators determined that, because of the limited vertical clearance in lifting the CB-OTH-IV boat onto the Legacy Cutter, the use of [deleted] would not be practicable. AR, Tab 13, Business Clearance Memorandum, at 00036. The protester's proposal merely stated that either [deleted] would be required, or that alternative arrangements could be made. AR, Tab 9, Naiad Proposal, at 000207. The agency argues, and we agree, that the protester's proposal did not adequately explain how the CB-OTH-IV boat's design would allow it to work with the Legacy Cutter's lifting equipment, as required by the solicitation. Therefore, we find the agency's evaluations to be reasonable. This protest ground is denied.

#### Bottom Structure of Boat

As set forth above, the RFP required that the CB-OTH-IV boat be constructed with particular attention to strength, fatigue resistance, and impact resistance. RFP at 000301. In evaluating the protester's proposal, the agency found that Naiad's proposed bottom structure was not suitable for impact loads associated with stern launch and recovery, and that the use of [deleted] indicated that the boat had inadequate bottom structural strength for stern launch and recovery operation. AR, Tab 13, Business Clearance Memorandum, at 000036. The agency found that all loads would be absorbed by the bottom plating and would not be deflected through the framing of the boat. Id. The agency also noted that the protester's proposal stated that denting of the bottom plate was possible. Id. Naiad contends that the agency erred in assigning a deficiency for the CB-OTH-IV boat's bottom structure and that the statement in its proposal regarding denting was taken out of context. Protest at 7.

Naiad's proposal stated that its frame design concept has proven successful in over 1000 boats, some of which have been in service for over 25 years. The proposal also stated that by "[deleted] any objects impacted at speed may dent the hull plate and yet pass by the frames without shearing or splitting the hull open due to a transverse obstruction." AR, Tab 9, Naiad's Proposal, at 000030. In evaluating the proposal, evaluators considered the phrase "any objects impacted at speed may dent the hull

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<sup>8</sup> As noted above, there is no design review stage in this procurement. AR, Tab 2, Contracting Officer's Statement, at 000014.

plate” to include the stern launch and recovery system of the National Security Cutters and the Fast Response Cutters because the CB-OTH-IV boats will be recovered at speeds of nine knots<sup>9</sup> and will impact the ramp of the Cutter. AR, Tab 13, Business Clearance Memorandum, at 00036; AR, Tab 3, Statement of TET Chair, at 000033.

We find the agency’s evaluation in this regard to be reasonable. The proposal’s reference to items impacted at speed did not specify what speed the boat must be traveling to be considered “at speed.” Due to the imprecise language of the proposal, the evaluators considered nine knots to be at speed, and therefore were concerned that repeated recoveries of the boat could result in denting. We do not find the agency’s judgments in this regard to be unreasonable. Therefore, this protest ground is denied.

Given each of the deficiencies set forth above, we find that the agency reasonably found Naiad’s proposal to be unsatisfactory under the Mission Effectiveness evaluation factor. Although we do not discuss them in detail, the agency also assessed several other weaknesses in Naiad’s proposal. We have reviewed the record and find the agency’s assessments to be reasonable.<sup>10</sup>

#### Agency’s Approval of a Similar Boat Produced Under Another Contract

Finally, to the extent that the protester contends that GAO should invalidate any of the findings of the evaluators in this procurement because they are in conflict with the agency’s alleged acceptance of a similar boat that the protester designed as a subcontractor under a prior procurement, we deny the protest.<sup>11</sup> The protester contends that it was unreasonable for the agency to assess weaknesses or deficiencies in the protester’s proposal for a boat that is similar to one that the

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<sup>9</sup> Nine knots equals approximately 10.3 miles per hour.

<sup>10</sup> For example the agency assigned a significant weakness for Naiad’s failure to include the weight estimates and calculations required by the solicitation. While the protester believed that it had included its weight calculations in its proposal, they were not, in fact, included in the materials submitted to the agency. Similarly, the agency assigned a weakness for Naiad’s failure to show compliance with the stability standard specified in the RFP. However, the protester’s own expert confirms that, with regard to at least one criteria, the standard in the RFP was higher. Comments, exh. 2, Statement by Naval Architect, at 3-4 (“[w]hen comparing the heeling moment per degree for each, the ISO standard is higher.”)

<sup>11</sup> Bollinger Shipyards LLC was awarded a contract for designing and manufacturing Fast Response Cutters and the small boats that interact with them. Bollinger subcontracted with Naiad to build the small boats (called Fast Response Cutter Boats) that interact exclusively with Fast Response Cutters.

protester already produced to the agency's satisfaction.<sup>12</sup> We find no merit to this argument. Evaluation ratings under another solicitation are not probative of the alleged unreasonableness of the evaluation ratings under the solicitation at issue given that each procurement stands on its own. Leader Com., Inc., B-298734, B-298734.2, Dec. 7, 2006, 2006 CPD ¶ 192 at 8. To the extent that the agency has accepted the boats designed by Naiad as a subcontractor under a different procurement, that fact does not render unreasonable the agency's determination that, here, the Naiad's proposal failed to adequately address several of this solicitation's requirements.

#### Individual Evaluator Ratings Differed from Consensus Rating

Finally, with respect to the allegation that there is a discrepancy between the initial and consensus ratings, it is not unusual for individual evaluator ratings to differ significantly from one another, or from the consensus ratings eventually assigned. In this regard, such ratings properly may be determined after discussions among the evaluators. James Constr., B-402429, Apr. 21, 2010, 2010 CPD ¶ 98 at 6; Joint Mgmt. & Tech. Servs., B-294229, B-294229.2, Sept. 22, 2004, 2004 CPD ¶ 208 at 4. The overriding concern is not whether the final ratings are consistent with preliminary individual ratings, but whether the final ratings reasonably reflect the relative merits of the proposals. Brisk Waterproofing Co., Inc., B-276247, May 27, 1997, 97-1 CPD ¶ 195 at 2 n.1. Based on our review, we see nothing unreasonable in the differences between the initial individual evaluator ratings and the final consensus evaluation ratings. After individually evaluating the proposals, TET members met and discussed the proposals before preparing the consensus report. Each of the TET members signed the consensus report to indicate his or her agreement with its contents, and, as discussed above, we find the evaluations in the consensus report to be reasonable.

The protest is denied.

Lynn H. Gibson  
General Counsel

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<sup>12</sup> The protester and the agency disagree about the extent to which the agency has accepted Naiad's designs for the Fast Response Cutter Boats--the protester contends that the agency has approved its prototype and given Naiad permission to build approximately 40 boats. Protest at 3. The agency denies the protester's assertion that the agency has given Naiad permission to build 40 boats and states that it has not approved the prototype or accepted Naiad's Fast Response Cutter Boats. Agency Dismissal Request, Statement of Administrative Contracting Officer for Fast Response Cutter Procurement, at 7.