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## Decision

**Matter of:** Rodgers Travel, Inc.

**File:** B-405007.13

**Date:** February 19, 2013

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Mark Pestronk, Esq., for the protester.  
Hattie DuBois, Esq., Department of Defense, Defense Human Resources Activity, for the agency.  
Kenneth Kilgour, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest is denied where protester fails to demonstrate that agency's evaluation of proposal as unacceptable for failure to clearly indicate staffing for travel management services locations, and resulting exclusion of proposal from competitive range, were unreasonable.

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### DECISION

Rodgers Travel, Inc., of Wayne, Pennsylvania, protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. H98210-10-R-0006, issued by the Defense Human Resources Activity, on behalf of the Defense Travel Management Office, for travel management services to support the commercial travel office. Rodgers challenges the agency's evaluation of its proposal.

We deny the protest.

The RFP, a small business set-aside, was for the award of an indefinite-quantity/indefinite-delivery, fixed-price contract, RFP at 121, for a base year with four 1-year options. Id. at 79-93. The solicitation contemplated the award of up to six contracts to provide travel management services to support official travel activities of authorized Department of Defense travelers for six separate travel areas (one award per travel area) within the continental United States. Rodgers' protest concerns the competition for commercial travel office services for Travel Area 4, which included offices at 13 on-site locations throughout the country.

Award was to be made to the responsible offeror whose offer was considered the most advantageous to the government, considering three evaluation factors (in descending order of importance): technical, past performance, and price. Technical and past performance, when combined, were significantly more important than price. RFP at 52.

The technical factor included the following four elements: technical approach and methodology, management plan, quality control, and implementation/transition. RFP at 50-51. Under the management plan element, the RFP required that offerors “provide a staffing plan to ensure successful performance of PWS [performance work statement] requirements. . . . The offeror’s staffing plan shall detail the ratio of personnel to the number of transactions.” Id. at 50. The RFP further required that all 13 Travel Area 4 locations be staffed on-site. See RFP Attach. 2, Contract Requirements, at 1-2. An estimated annual volume of transactions at each site was furnished. RFP Attach. 3.

The technical factor was to be evaluated as exceptional, acceptable, or unacceptable. As relevant to this protest, unacceptable was defined as:

[t]he proposal fails to meet the stated requirements. The response is considered deficient in terms of basic content and level of information the Government seeks for evaluation. The degree of risk is so high that there is little or no likelihood of success; regardless of price.

RFP at 52. The RFP provided that any proposal with a technical factor evaluated as unacceptable would be ineligible for award, and would not be further evaluated. Id. at 49.

Rodgers submitted a timely proposal. With respect to its staffing plan, the protester’s proposal provided a chart to describe how it would “serve the required staffed and non-staffed sites.”<sup>1</sup> Rodgers Technical Proposal at 11. [DELETED] Id. For “Number and Location” of “On-Site Agent[s],” Rodgers proposed:

[DELETED]

Id. (emphasis in original, footnote omitted). In a footnote, Rodgers further explained [DELETED] Id.

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<sup>1</sup> Presumably, the protester meant to differentiate between on-site locations, which would have staff physically present, and off-site locations, which would be served by back office personnel. There were no non-staffed locations. Moreover, as noted above, travel area 4 contained no locations with off-site staffing.

The agency evaluated the protester's proposal under the technical factor as having two weaknesses, one of which--evaluated flaws in the staffing plan under the management plan element--was viewed as significant.<sup>2</sup> In the agency's view, the proposal's staffing plan--submitted in chart format--lacked sufficient detail and left the agency unconvinced that Rodgers would supply sufficient staff. Technical Review Summary at 3. The agency concluded that, [DELETED]. Id.

Ultimately, because of the agency's concerns that Rodgers had not provided sufficient staffing, the agency concluded that "substantial doubt exists as to whether the Offeror can successfully perform the travel services required." Technical Review Summary at 3. As a result, Rodgers' proposal was evaluated as unacceptable under the technical factor and was excluded from the competitive range. This protest followed.

## DISCUSSION

The protester asserts that the agency unreasonably evaluated its management plan as unacceptable, based on a flawed assessment of its staffing plan.

In reviewing protests challenging the evaluation of proposals and exclusion of proposals from a competitive range, we do not conduct a new evaluation or substitute our judgment for that of the agency, but rather examine the record to determine whether the agency's judgment was reasonable and in accord with the solicitation's evaluation criteria. Information Sys. Tech. Corp., B-291747, Mar. 17, 2003, 2003 CPD ¶ 72 at 2. It is well settled that a technically unacceptable proposal cannot be considered for award, and thus properly may be excluded from the competitive range. TMC Design Corp., B-296194.3, Aug. 10, 2005, 2005 CPD ¶ 158 at 4. Further, it is an offeror's obligation to submit an adequately written proposal for the agency to evaluate, and an offeror fails to do so at its own risk. United Defense LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19.

Rodgers questions the agency's statement that the government was "unclear regarding the offeror's ratio of agents to transactions." Technical Review Summary at 3. We find reasonable the agency's concerns about the overall level of support to be provided to each location. As indicated above, [DELETED]. Rodgers Technical Proposal at 11. While the proposal explained the volume level that would result in moving from one dedicated on-site agent to a second dedicated on-site agent, [DELETED]. Under those circumstances, the agency had reasonable concerns regarding the effective overall ratio of staff to transactions. In sum, given the overall lack of clarity in the staffing plan as to how the sites would be staffed, we see no

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<sup>2</sup> A significant weakness was defined as "a flaw [in a proposal] that appreciably increases the risk of unsuccessful contract performance [to an unacceptable level]." Source Selection Plan at 7.

basis on which to challenge the agency's assessment of the protester's proposal as unacceptable under the technical factor, or to challenge the subsequent exclusion of the proposal from the competitive range.

The protest is denied.

Susan A. Poling  
General Counsel