



Decision

Matter of: Fattani Offset Printers

File: B-415308

Date: November 20, 2017

Ahmed Razzak, for the protester.

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DIGEST

Protest challenging agency's technical and past performance evaluations is denied where the record shows the evaluations were reasonable and consistent with the terms of the solicitation.

DECISION

Fattani Offset Printers, of Blantyre, Malawi, protests the award of a contract to Kris Offset & Screen Printers, Ltd., also of Blantyre, Malawi, under request for proposals (RFP) No. SOL-612-17-000009, issued by the United States Agency for International Development (USAID) for printing services. Fattani alleges that the agency unreasonably evaluated its proposal.

We deny the protest.

BACKGROUND

On June 23, 2017, the agency issued the RFP for printing, binding, and distribution services to be performed pursuant to a fixed-price contract over a two-year period. RFP at 1, 5, 17. The RFP specified that “[t]he purpose of this contract is printing, binding, and distribution of 773,025 English Standard Four Learners’ Books (LBs) and 6,000 Stock Management Cards.” Performance Work Statement (PWS) at § C.2. The RFP also provided the agency with two options for additional quantities and items. Id.

The PWS stated that all books must be printed according to distinct specifications. PWS at § C.3. As relevant here, the RFP provided that the body text must be printed

using the A5 size format, and that each textbook cover must be printed with a one-side, UV coated gloss finish. Id. As for the binding specifications, the textbooks must have perfect binding, and the supplementary readers must have saddle stitching. Id. at § C.3.4. In addition, the PWS stated that the English Standard Four Learners' Books would require printing of 154,605,000 pages and 773,025 covers. PWS at § C.4.1. Shipment of the textbooks and other items must be completed within 3-6 months depending on the actual time proposed by the successful offeror. RFP at 17. Textbooks and other items would be distributed to 5,549 primary schools throughout Malawi. Id.

The RFP instructed offerors to address eligibility¹, price, and technical capability. In regard to technical capability, offerors were to address five categories: qualifications, printing sample, performance plans, past performance and reference reviews, and business registration. RFP at 45-46.

Award would be made on a best-value tradeoff basis considering two evaluation factors, technical and price. RFP at 50. For the technical factor, the RFP divided a total of 100 points between technical understanding and past performance, with 85 points allocated to technical understanding and 15 points to past performance. Technical understanding was further subdivided into three subfactors with respective point allocations, including qualifications of the organization (30 points), printing sample quality (25 points), and performance plans (15 points).

The agency received four offers by the close of the solicitation period. The final evaluation produced the following results:

Offeror Name	Total Points Awarded	Total Price Proposed
Fattani Offset Printers	35	\$4,000,001.22
Kris Offset Printers	92	\$4,594,504.19

Agency Report (AR) Tab 24, Letter from USAID to Fattani Offset Printers, Sept. 12, 2017, at 2. The agency identified Kris Offset Printers as the firm offering the best value to the agency because it offered superior technical capability and a price that, while higher than Fattani's price, was below the cost estimate. Further, the agency reasoned that any additional cost would be worth the much higher technical expertise. After Fattani received its debriefing, it filed the instant protest with our Office.

¹ To be eligible for award, each offeror must provide proof that the firm is a Malawian company and owned and managed by Malawian citizens or permanent residents. RFP at 48.

DISCUSSION

Fattani raises various challenges to the agency's evaluation of its proposal. We have considered all of the firm's allegations and find no basis to sustain the protest. We discuss the protester's principal contentions below. We note at the outset that, in reviewing protests challenging an agency's evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency; rather, we review the record to determine whether the agency's evaluation was reasonable and consistent with the solicitation's evaluation criteria, as well as applicable statutes and regulations. ManTech Advanced Sys. Int'l, Inc., B-413717, Dec. 16, 2016, 2016 CPD ¶ 370 at 3.

Technical Capability

As noted above, the agency evaluated technical proposals based on three subfactors: printing sample quality, qualifications of the organization, and performance plans. Fattani's technical proposal received numerous deficiencies and/or weaknesses under each subfactor. Fattani asserts that these deficiencies and weaknesses were unreasonably assigned and that it should have received higher evaluation scores. Based on the record, we have no basis to question the evaluation results.

Printing Sample Quality

For this subfactor, offerors were to provide five different textbook printing samples, and would be evaluated based on whether the samples "[d]emonstrated capacity of printing and binding similar printed work." RFP at 45, 51. Fattani submitted four textbooks and one catalog as samples. The agency evaluated Fattani's printing samples as containing three deficiencies. The agency concluded that three of the textbooks were of poor quality because the body text size fluctuated and was noticeably smaller in certain areas, the body text ran into the spine of the book, and staples could be felt through the "perfect binding." AR Tab 22, Technical Evaluation Committee (TEC) Memorandum at 12. The agency also noted that some of the textbooks had text that ran to the edge of the page and glue along the hinges that prevents the textbooks from lying flat. Finally, the agency assigned a deficiency because Fattani submitted a catalog, rather than a book, as its fifth sample. The agency assigned Fattani's proposal 12 out of a maximum of 25 points for this subfactor.

Fattani complains that this criticism is directed against the design of the materials submitted and not necessarily its technical capability in producing the samples. More specifically, Fattani alleges that it produced those books in accordance with specifications provided by other clients and that they are merely meant to be a representation of Fattani's ability to print books and other materials. Comments at 13.

Based on the record before us, we find the agency's evaluation reasonable and consistent with the criteria. Offerors were expected to provide samples that demonstrated their ability to produce similar printed works. RFP at 51. Our examination of the samples confirms the agency's findings that they suffer from poor

binding, fluctuating text size, and text that runs into each book's spine rendering some of the samples extremely difficult to read. See AR Tabs 28B, 28C, and 28D. Furthermore, Fattani submitted a catalog which offered only limited relevance for determining whether it had the capacity to print textbooks. See AR Tab 28E. To the extent Fattani complains that the agency improperly evaluated the samples by focusing on whether the samples met the production specifications rather than the technical/production capabilities the samples were intended to reveal, we note that the agency's major criticism was that the printed samples were of poor quality overall, not that the samples did not meet every production specification. Cf. ImageMatrix, Inc., B-243367, July 16, 1991, 91-2 CPD ¶ 61 at 3. Accordingly, given the materials that were submitted, we believe the agency has shown that its evaluation was reasonable.

Qualifications

Under this subfactor, offerors were further evaluated under the following areas: sufficient resources and equipment, maximum printing output, ability to procure required paper, and ability to import paper-stock tax-free. RFP at 50-51. The agency assigned Fattani's proposal 8 out of a maximum of 30 points.

Regarding sufficient resources and equipment, offerors were evaluated based on whether the proposal identified sufficient equipment and facilities. RFP at 50. Fattani's proposal received a deficient rating because Fattani did not state that it would print the textbooks with a one-side, gloss UV cover. AR Tab 22, TEC Memorandum at 12. In our view, the agency's evaluation was reasonable because Fattani's proposal included a chart providing that Fattani would print the textbooks in accordance with all of the production specifications specifically excluding the gloss finish. AR Tab 6, Fattani Eligibility Proposal at 14. Fattani's proposal further included a sentence immediately following the chart stating "[w]e confirm that we will provide the specifications as specified without any alterations or changes to the highest quality as requested[.]" Id. at 14.

To the extent Fattani asserts that its above statement shows that it intended to comply with all of the production specifications, we note that an offeror's responsibility to submit a proposal that conforms to all material requirements is a fundamental part of the proposal process. See Government Telecomm., Inc., B-299542.2, June 21, 2007, 2007 CPD ¶ 136 at 5 (explaining that an offeror's responsibility to submit a proposal that clearly demonstrates compliance with the solicitation requirements is fundamental to the proposal process). Here, Fattani's proposal specifically excluded production of textbooks with the gloss finish and also stated an intent to comply with the requirements of the RFP. At best, Fattani's proposal contains conflicting statements of its intent. As stated above, it is an offeror's responsibility to submit a proposal that clearly demonstrates compliance with the solicitation. Accordingly, we find that the agency reasonably evaluated Fattani's proposal as containing a deficiency.

The agency also assigned Fattani's proposal a deficiency regarding its maximum printing output. The RFP stated that offerors would be evaluated based on "[p]rinting

maximum output at a given time considering the running of other orders.” RFP at 51. Fattani provided extensive information concerning its maximum printing output with specific figures for each of its printers’ capacity. Fattani stated it had an estimated output per week of 1,200,000 A5 pages with a total capacity of about 600,000 A5 pages, and that it would relegate any other printing jobs to its night shift. The agency assigned the deficiency because it concluded that Fattani failed to provide a definite maximum printing output figure.

Here, we find that Fattani’s proposal contains numerous figures for printing capacity and never provides a singular figure for maximum printing output at a given time. The proposal seemingly indicates that Fattani has a maximum printing output of 1.2 million A5 pages per day, but Fattani’s proposal simply does not state that figure with sufficient certainty, and moreover, Fattani’s comments confusingly state that the 600,000 A5 pages per hour was the figure that should have been used. Comments at 9. Thus, even upon review, we are unable to identify a singular figure, and therefore we do not find the agency’s evaluation in this regard unreasonable. Cf. Bryan Constr., Inc., B-409135, Jan. 14, 2014, 2014 CPD ¶ 51 at 10 (protester’s proposal was not well-written because it did not explain with sufficient clarity how it would satisfy technical requirements). Accordingly, we find the agency reasonably assigned this deficiency.

Fattani’s proposal also received a significant weakness regarding its ability to procure the required paper. Fattani’s proposal included a letter from a South African paper supplier. AR Tab 7, Fattani Technical Proposal at 6. The letter stated that should the South African paper supplier exhaust its inventory, then the supplier could reload within 2-3 days. Id. The letter also stated that the South African supplier could send paper shipments to Fattani within 7-10 days.² Id. Fattani’s proposal also stated that it had three suppliers based in South Africa, one based in Hong Kong, and two suppliers in India, and that it could restock its paper inventory within 1-2 weeks. Id. The agency assigned a significant weakness because it concluded that the “proposed turnaround time of two to three days of getting paper from mills in India and other international locations is unrealistic[.]” AR Tab 22, TEC Memorandum at 11.

Fattani asserts that the agency unreasonably assigned this weakness because the letter from the South African supplier stated that it would be able to provide additional stock to Fattani within 7-10 days, and therefore, the timeline was realistic. Further, the protester provides a timeline demonstrating based on distance and the average speed of trucks that the South African supplier could provide the additional stock within 7-10 days. When reviewing a technical evaluation challenge, our cases have concluded that a protester’s disagreement with the agency’s judgment does not render the agency’s

² The letter stated “[w]e can move as many trucks as requested within a period of 1-2 days and usually takes 6-8 days for the truck to arrive at their premises in Blantyre, Malawi.” AR Tab 7, Fattani Technical Proposal at 6. Thus, the timeline provided translates into a period of 7-10 days in order to receive new paper from the South African supplier.

evaluation unreasonable. Applied Tech. Sys., Inc., B-404267, B-404267.2, Jan. 25, 2011, 2011 CPD ¶ 36 at 9. In our view, this protest ground constitutes a disagreement. Fattani uses approximate distances, speeds, and travel times rather than concrete data in order to show that the agency's judgment was unreasonable. See Comments at 4 ("The distance from Durban to Blantyre is about 2300 kms. Average speeds of a truck is 100km/h which comes to about 24 hours take another 72 hours for rest, border and custom clearing which is 4 days."). Consequently, we find that the agency reasonably assigned this weakness because Fattani has offered little more than approximate estimates of travel time to rebut the agency's judgment that the timeframe was unrealistic.

Moreover, Fattani's proposal included ambiguities and was not clear about which suppliers would deliver shipments within 1-2 weeks. The proposal stated that "[o]ur suppliers can restock as per our demand within a period of 1-2 weeks, any quantity." AR Tab 7, Fattani Technical Proposal at 6. The agency expressed concern that Fattani would not be able to receive shipments within this timeframe from its international suppliers, including those based in Hong Kong and India. Although Fattani now asserts that its proposal should have been interpreted as being able to receive shipments from the primary South African supplier within 1-2 weeks, the language of the proposal used "suppliers." Using "suppliers" as opposed to "supplier," indicated that Fattani planned to receive shipments from all of its suppliers within 1-2 weeks. Given Fattani's failure to specify clearly from whom it would receive shipments within 1-2 weeks, we find that it ran the risk that its proposal would be evaluated unfavorably, and thus, we find that the agency reasonably assigned this weakness.

Performance Plans

For this subfactor, proposals were expected to contain a quality assurance and corrective action plan, and a detailed distribution plan. RFP at 46. Both of these plans were worth 15 points. Id. at 51. For the quality assurance and corrective action plan, offerors were to include quality assurance practices, standard operating procedures, and logistic abilities. Id. at 46. For the detailed distribution plan, offerors were expected to describe how offerors would print and deliver within the proposed distribution time-period. Id. Offerors would propose a timeframe (i.e., between three and six months) for distribution. Id. at 17, 51. The agency would evaluate both plans based on whether the plans were realistic, effective, and thorough. Id. at 51. Fattani's performance plans were assigned only 7 out of a total of 30 points.

Fattani's quality assurance and corrective action plan was evaluated as containing significant weaknesses and deficiencies based on Fattani's failure to explain how it would use proposed subcontractors. AR Tab 22, TEC Memorandum at 12-13. The agency noted that Fattani mentioned in one part of its technical proposal that it potentially would use two subcontractors, but did not provide any discussion regarding these subcontractors in its quality assurance and corrective plan. Id. at 12. The agency identified weaknesses because Fattani's reliance on subcontractors could result in production and delivery delays. Id. Fattani argues that the evaluation was

unreasonable because its proposal stated that it only planned to use these subcontractors in the event of an emergency. Contrary to Fattani's view, we find the agency's action reasonable because Fattani volunteered that it could use subcontractors and therefore needed to explain how quality assurance practices applied to any subcontractors in order to prevent production and delivery delays. Its failure to provide any explanation provided the agency with reasonable concern over how Fattani would exercise quality control in the event of an emergency.

The agency also assigned a significant weakness to Fattani's distribution plan because it had concern with Fattani's distribution timeline. Fattani's distribution plan stated it would complete delivery of the base quantity in 20 weeks. In meeting its proposed 20 week timeframe, Fattani further specified that it would print and store the textbooks during the initial 15 weeks, and then distribute the textbooks in the final 5 weeks. AR Tab 7, Fattani Technical Proposal at 12, 15. In the agency's view, Fattani's proposed distribution strategy was unrealistic and ineffective. AR Tab 22, TEC Memorandum at 13. The agency concluded that Fattani's distribution plan was ineffective because it found that only 5 weeks for distribution of books was unrealistic. Id. The agency further concluded that Fattani's proposed distribution strategy would damage the books because books printed prior to week 15 would be in storage for an extended period. Id. Fattani challenges the evaluation as unreasonable because the RFP allowed for a distribution timeframe of 3-6 months.

The RFP stated that distribution plans would be evaluated based on whether the plans were realistic, effective, and thorough. Fattani stated that it would complete delivery within 20 weeks and therefore bound itself to that timeframe. Given that timeframe, the agency determined that only five weeks for distribution was unrealistic. Furthermore, the agency determined that storing textbooks for up to 15 weeks was ineffective because it could damage the textbooks. Thus, we find the agency's evaluation reasonable because the record shows that the agency applied the evaluation criteria and concluded that the distribution plan did not satisfy that criteria.

Past Performance

The RFP instructed offerors to provide a list of at least five organizations to serve as past performance references. RFP at 46. For each organization, offerors were instructed to provide a contact name, address, telephone number, description of the work performed, and date of performance. Id. The RFP also stated that proposals would be evaluated based on successful completion of previous similar projects. Id. at 51.

Fattani provided reference letters from five different organizations. Each reference letter provided a positive review of Fattani's performance. The record shows that the agency contacted three of Fattani's references, and it also contacted references outside of Fattani's listed references. Following its review, the agency assigned Fattani's proposal two weaknesses and several significant weaknesses. Chief among the agency's concerns was that Fattani had received negative past performance

evaluations. AR Tab 22, TEC Memorandum at 13. The agency also determined that Fattani had not performed any projects of similar size and complexity (i.e., contracts of \$5 million in value with distributions to over 5,500 outlets). The agency assigned Fattani's past performance proposal only 5 out of a total of 15 points.

Fattani asserts that the agency's evaluation was unreasonable because the RFP did not expressly permit the agency to seek additional past performance references. Additionally, Fattani contends that the agency improperly determined that none of Fattani's past performance references were of similar size and complexity.

In light of the RFP's stated evaluation criteria, we find that the agency reasonably evaluated Fattani's past performance references. Contrary to Fattani's view, our cases explain that an agency is generally not precluded from considering any relevant past performance information, regardless of its source. See, e.g., Diamond Information Sys., LLC, B-410372.2, B-410372.3, Mar. 27, 2015, 2015 CPD ¶ 122 at 9; A1 Procurement JVD, B-404800.4, Oct. 11, 2011, 2011 CPD ¶ 213 at 4. Consequently, the agency acted reasonably when it solicited additional past performance references beyond those listed in Fattani's proposal, notwithstanding the fact that the solicitation did not specify that the agency could seek alternate past performance information sources. Furthermore, GAO's in camera review³ of the record reveals that Fattani received negative reviews of its performance from some of its listed references and other entities the agency had contacted. AR Tab 19, Fattani Past Performance Memorandum at 1.

As to Fattani's alternate allegation, we find that the agency reasonably evaluated Fattani's past performance references for similar size and complexity. Of Fattani's five references, only one adequately describes the performance, and that job was not similar in size or complexity to the instant contract. That job required distribution to only 90 stores, while the instant contract requires distribution to over 5,500 outlets. Thus, Fattani's past performance proposal did not demonstrate that it had successfully completed previous similar projects. Accordingly, based on the record before us, we find that the agency reasonably evaluated Fattani's proposal under the past performance factor.

The protest is denied.

Susan A. Poling
General Counsel

³ This protest is not subject to a GAO protective order because Fattani decided to proceed pro se. As such, Fattani did not have access to review certain documents.