5330.

D. Lewis
Trade

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-190[illegible]3 DATE: February 10, 1978

MATTER OF: Kaman Sciences Corporation

DIGEST:

Agency selection of second low offer for award of cost-plus-fixed-fee contract is not legally objectionable where technical factors were more important than cost in the evaluation and the agency's technical evaluators reasonably found awardee's proposal to be technically superior to the other proposals.

Kaman Sciences Corporation protests the award by the Department of the Air Force, Air Force Contract Management Division, Kirtland Air Force Base, New Mexico, under request for proposals (RFP) No. F29601-77-R-0132. A cost-plus-fixed-fee contract was awarded to Mission Research Corporation (MRC) for the performance of analytical and experimental investigations of the radiation response of shielded cables for application in an Advanced Intercontinental Ballistic Missile System.

The RFP set forth four categories for evaluation of proposals. In descending order of importance they were: Scientific/Engineering Approach; Qualifications Based on USAF Experience; Qualifications Based on Bidder/Offerors Data; and Realism of Cost Proposals. Four proposals were submitted and found to be technically acceptable. Two offerors, Science Applications, Inc. (SAI) and MRC, submitted proposals which were rated as technically very good, and superior to the proposal submitted by Kaman, which was rated average. The fourth proposal submitted by IRT Corporation was found to be equal to Kaman's proposal.

Discussions were held with each offeror and best and final offers were obtained. The technical rating of the offerors remained unchanged. The final proposed costs of the two low proposals were as follows:

	Cost	Fee	Total
Kaman	130,750	9,152	139,902
*MRC	132,246	9,954	143,300

* - Rated technically superior to Kaman

Kaman in essence disagrees with the agency's determination that its proposal was technically inferior to that of the contractor. Kaman maintains that the only substantive deficiency in its proposal cited by the Government at the debriefing was that while its proposal placed primary emphasis on underground test experimental information it lacked comparable information in laboratory experimental work. Kaman maintains it pointed out at the debriefing that it was more difficult to perform a successful experiment in an underground test than in a laboratory test and that all present appeared to agree. The protester further asserts that when it asked for examples of deficiencies in other areas of its proposal none was provided and that specific changes which would improve its rating were not identified other than the placing of more emphasis on laboratory tests.

Kaman states that its technical approach is based on existing capability to calculate system generated electromagnetic pulse effects at high X-ray fluences; that it has applied its capability to predict such pulse effects on cables in actual systems which are being designed to operate in high fluence X-ray environments; that it has an established cable manufacturing facility which produces low response cables and that it understands not only the technical approaches to designing low response cables but also the associated practical and cost constraints; that it has published the only high fluence cable response data which exists in open literature and that such data was included in its proposal; and that it has designed and fielded high fluence experiments which verified its analytical predictions about the effectiveness of dielectric-filled cable gaps on pulse response.

The contracting officer states that Kaman's proposal was evaluated by technical specialists in accordance with the evaluation factors set forth in the RFP. In response to the protester's assertion that its approach is based on

its existing capability to calculate pulse effects on cables at high X-ray fluences, the agency states that this ability is not unique to Kaman and that, in addition to such capability, an integrated laboratory experimental program and analysis effort is required to fulfill the RFP requirements. Air Force further states that Kaman's proposal did not state the importance of the relative magnitude of the source terms and their influences on Kaman's extrapolations and that this is essential to a proper understanding of the RFP. Air Force also states that due recognition was given to Kaman's cable manufacturing capability and maintains that notwithstanding the firm's assertion that it is the only source of information on high fluence effects in the open literature, other classified information is available to cleared offerors. Additionally the Air Force states that Kaman's specific cable gaps are not unique and are only one of several possible design approaches to control cable response.

With respect to the protester's allegation that the only substantive deficiency with its proposal cited in the debriefing was its lack of information as to laboratory experimental work the agency reports:

> "The [Air Force Weapons Laboratory (AFWL)] technical staff considers that the actual performance of a successful test and the conduct of a laboratory can both be difficult. The information to be derived from this effort must be obtained using laboratory simulators and coupled with an analysis to fully evaluate and set out an understanding of the range of conditions and specified threat environments. The AFWL technical staff does not consider experience in Laboratory experimental work to be a minor consideration in this study effort. Had [Kaman's] proposal approached the program from this viewpoint it would have been more in line with paragraph 4.4 of the [Statement of Work] and received a higher evaluation." (emphasis added)

In response Kaman states that it is the only company in the free world that has pertinent underground test cable experiment design and execution experience. The firm maintains that this fact enables it to understand cable

responses not only at low radiation levels generated in laboratory tests but also at specified threat levels. Kaman asserts that its underground test threat level data associated with its analytical experience makes its proposal operative and the contractor's approach essentially inoperative.

We have often stated that it is not the function of this Office to evaluate proposals in order to determine their relative technical merits. Olin Corporation, Energy Systems Operations, B-187311, January 27, 1977, 77-1 CPD 68, and cases cited therein. The contracting agency is responsible for determining which technical proposal best meets its needs and it must bear the major burden for any difficulties incurred by reason of a defective evalution. Training Corporation of America, B-181539, December 13, 1974, 74-2 CPD 337. Accordingly, we have consistently held that procuring officials enjoy a reasonable range of discretion in the evaluation of proposals and in the determination of which offeror or proposal is to be accepted for award, and that such determinations are entitled to great weight and must not be disturbed unless shown to be unreasonable or in violation of the procurement statutes or regulations. METIS Corporation, 54 Comp. Gen. 612, 614-5 (1975), 75-1 CPD 44; Riggins and Williamson Machine Company, Incorporated et al., 54 Comp. Gen. 783 (1975), 75-1 CPD 168.

In light of these principles we have reviewed the technical proposal evaluation committee's report as well as the proposals of Kaman and the awardee and find that the technical evaluation had a reasonable basis. While Kaman's proposal was rated as average in every category and therefore technically acceptable, its proposal could reasonably be considered to be inferior to the awardee's proposal. For example the RFP (paragraphs 4.3 and 4.4 of the Statement of Work) primarily required the contractor to conduct an integrated analytical and laboratory experimental program to determine the radiation response of shielded cables culminating in recommendations for additional testing of cable responses by other methods. However, it is apparent that Kaman's proposal did not emphasize laboratory tests as required by the RFP. We are not prepared to question the Government's desire for such emphasis or the Government's determination that Kaman's proposal required a greater integration of its analytical approach and its laboratory experimental effort. Even

if it is true that Kaman is the only company in the free world with pertinent underground test cable experiment design and execution experience, its proposal did not place a sufficient emphasis on laboratory tests as required by the RFP. Moreover, our review of the awardee's proposal finds support for the evaluation committee's rating of very good with regard to its Scientific/Engineering Approach. The fact that the protester does not agree with the evaluation and would not have regarded the awardee's proposal as superior does not render the evaluation unreasonable. Honeywell, Inc., B-181170, August 8, 1974, 74-2 CPD 87; METIS Corporation, supra.

Inasmuch as the contractor's proposal was reasonably rated technically higher than Kaman's and the RFP specifically indicated that cost was the least important factor, the award at a higher cost than that proposed by Kaman is not legally objectionable. See Olin Corporation, Energy Systems Operation, supra.

Accordingly, the protest is denied.

R.F. Keller

Deputy Comptroller General
of the United States