



G A O

Accountability * Integrity * Reliability

**Comptroller General
of the United States**

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

Decision

Matter of: Future Technologies Consulting Group, Inc.

File: B-412390

Date: December 15, 2015

Robert Stoutenburgh, for the protester.
Shantay N. Clarke, Esq., Department of Defense, for the agency.
Kenneth Kilgour, Esq., and David A. Ashen, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of protester's quotation as unacceptable is denied where the record shows that the agency's evaluation was reasonable and in accordance with the evaluation criteria.

DECISION

Future Technologies Consulting Group, Inc. (FTCG), of Marietta, Georgia, protests the Department of Defense's issuance of a task order to Inflexion Management Sciences, LLC, of Silver Spring, Maryland, under Inflexion's Federal Supply Schedule contract, pursuant to request for quotations (RFQ) No. SP4701-15-Q-3020, for the upgrade of cellular services at the Defense Logistics Agency's (DLA) Headquarters Complex (HQC) in Fort Belvoir, Virginia. The protester asserts that the agency unreasonably evaluated FTCG's quotation as unacceptable.

We deny the protest.

BACKGROUND

The solicitation, set aside for small businesses, sought quotations for the issuance of a single fixed-price task order, with a period of performance of approximately 180 days, to the firm whose proposal offered the lowest-priced, technically-acceptable proposal,¹ based on an evaluation of technical approach, past performance, and

¹ Although the solicitation was issued as an RFQ, the evaluation record primarily refers to "offerors" and "proposals." For the sake of consistency, and because the
(continued...)

price. RFQ at 2, 6, 16. The contractor would be required to upgrade existing cellular coverage equipment to provide 4G/LTE network coverage for all cell carriers, as well as install additional coverage throughout the HQC facility.

The RFQ advised offerors that:

The proposal must demonstrate to the Government's satisfaction that the vendor is able to provide services that will ensure the successful accomplishment of the tasks outlined in the Statement of Work. The Government will evaluate the vendors on the basis of the information presented in the written proposal. However, the Government may use information other than that provided by the vendor in its evaluation, including market research.

RFQ at 16.

Only proposals evaluated as acceptable under the two technical factors would be considered for award. Id. As relevant to this protest, an acceptable proposal was defined as one that "clearly meets the minimum requirements of the solicitation," while an unacceptable proposal "does not clearly meet the requirements of the solicitation." Contracting Officer's Negotiation Memorandum/Award Decision Document (CONM/ADD) at 2.

The agency developed an independent government cost estimate (IGCE) for use in evaluating proposals. In response to a sources sought notice, four vendors provided estimated budgets for hours and parts. Those responses are summarized in the table below:

Item	Vendor 1 (FTCG)	Vendor 2	Vendor 3	Vendor 4
Labor	\$606,367.48	\$740,000.00	\$347,000.00	\$380,706.15
Parts	\$205,181.65	\$260,000.00	\$380,000.00	\$418,338.67
Shipping	\$24,254.70			
TOTAL	\$835,803.83	\$1,000,000.00	\$727,000.00	\$799,044.82

IGCE at 2. From these responses, the agency calculated an IGCE of \$850,000. Id.

(...continued)

distinction between a quotation and a proposal has no bearing on our analysis in this protest, we use the terms offerors and proposals in this decision.

The agency received proposals from three firms, including the protester and the awardee. The agency conducted initial evaluations, held discussions with all the offerors, and requested revised proposals.² The final proposals offered the following:

	FTCG	Inflexion	Offeror 3	IGCE
Total Hours	1,197.25	2,694	2,949	2,500
Cost	\$299,060.36	\$727,225.72	\$905,806.08	\$850,000

CONM/ADD at 15.

The agency evaluated the proposals submitted by the awardee and Offeror 3 as acceptable under technical approach and past performance. CONM/ADD at 8. However, the agency evaluated the protester's final proposal as technically unacceptable, noting that it offered less than half the number of hours estimated to be needed for this task, and concluding:

The Government estimates the number of hours required to complete the upgrade to the HQC Cellular service to be 2,500 hours. Based on projects of like complexity, the installation of the number of remotes required to cover a building of this size and the associated cable infrastructure, the technical evaluation team is certain that the total number of hours proposed by Future Technologies (1,197.25) is inadequate to complete this project. Based on this finding the technical panel finds the number of hours proposed by Future Technologies to be unacceptable.

CONM/ADD at 9. Award was made to Inflexion, as the firm offering the lowest-priced, technically acceptable proposal, and this protest followed. Id. at 15.

DISCUSSION

FTCG challenges the agency's determination that its proposed hours were insufficient to successfully perform the requirement; thus, FTCG asserts, the agency unreasonably concluded that its proposal was unacceptable. Protest at 1. The agency responds that it reasonably evaluated the protester's proposal in

² With regard to the protester, its initial proposal failed to provide a detailed breakdown of labor categories, number of hours, or hourly rates as required by the solicitation. CONM/ADD at 7. As a result, the agency noted that it was unable to evaluate FTCG's work breakdown structure (WBS). Id. at 8. The agency also noted that FTCG's initial proposal stated that the labor and pricing was only an estimate, and, therefore, FTCG could not "contractually commit" to any particular number of labor hours per category. Id. at 7-8.

accordance with the requirements of the solicitation, considering the agency's own estimate of the level of effort required. Agency Report (AR) at 8-11.

In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency; the evaluation of proposals is a matter within the agency's discretion, because the agency is responsible for defining its needs and the best method of accommodating them. Smiths Detection, Inc.; Am. 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 applicable procurement statutes and regulations. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's mere disagreement with the agency's evaluation judgments, without more, does not render those judgments unreasonable. Smiths Detection, Inc.; Am. Sci. and Eng'g, Inc., supra.

The protester asserts that its proposal "demonstrated that it had the resources and experience to fully meet the DLA requirements." Protest at 1. FTCEG argues that it has completed more than one hundred similar installations around the country, and that it reasonably proposed 1,197.25 hours as sufficient resources to perform the requirement of this contract. Id.

As noted above, the agency developed an IGCE to assist in evaluating proposals. The protester offered significantly fewer hours than estimated by the agency or proposed by either of the other offerors. Moreover, the protester itself, in response to the sources sought notice, proposed a significantly higher labor cost (\$835,803.83) than it included in its final proposal (\$299,060.36). The protester's proposal contained no explanation of how FTCEG could complete the work using so few labor hours. FTCEG's "detailed pricing" was a table providing labor categories, hours per category, rates and discounted labor rates, and the total labor expense by category. See Protester's Proposal at 2. FTCEG's proposal failed to suggest, let alone describe, a particular strategy for reducing by more than half the number of necessary labor hours. See id.

Here, the RFQ placed offerors on notice that they "must demonstrate to the Government's satisfaction that the vendor is able to provide services that will ensure the successful accomplishment" of the requirement. RFQ at 16. In the view of the agency evaluators, the protester's proposal to accomplish the task using less than half the number of hours estimated to be adequate, with no supporting rationale or explanation of how the protester planned to accomplish this feat, was unacceptable. As a result, the agency evaluators deemed the 1,197.25 hours proposed by the protester to be inadequate to complete the project. Proposal Consensus Evaluation Summary at 2. That finding was adopted by the contracting officer. See CONM/ADD at 15-16. Although the protester insists in its protest that it has performed similar requirements with comparable labor hours, FTCEG's proposal (and

the protester's subsequent filings to this Office) provide no support for that claim. Since FTCG has not shown the agency's conclusions to be unreasonable, we find that the protester's disagreement with the agency's evaluation provides no basis on which to sustain this protest.

The protest is denied.

Susan A. Poling
General Counsel