



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: System Resources Corporation

File: B-270241; B-270241.2; B-270241.3

Date: February 12, 1996

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Craig D. Haughtelin, Esq., Department of Navy, for the agency.
Paul E. Jordan, Esq., and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Where solicitation required offerors to submit resumes showing that key personnel met specified educational and experience qualifications, agency reasonably determined that resumes lacking sufficient information to establish qualifications were unsatisfactory. Protester cannot cure insufficiencies by furnishing clarifying or missing information as part of its protest submissions.
 2. Where award is made on the basis of initial proposals and, in accordance with solicitation provisions, protester's unsatisfactory key personnel render its proposal unacceptable, the protester is not an interested party to challenge other aspects of the agency's evaluation.
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DECISION

Systems Resources Corporation (SRC) protests the award of a contract to EER Systems Corporation under request for proposals (RFP) No. N68936-95-R-0001, a small disadvantaged business set-aside issued by the Department of the Navy for weapons and software system support for certain aircraft systems. SRC protests the agency's evaluation of its management/technical and cost proposals, the evaluation of EER's proposal as "exceptional," and the cost/technical tradeoff.

We deny the protest.

The Naval Air Warfare Center Weapons Division is the weapons system support activity (WSSA) and system software support activity for all aircraft assigned to it. The solicitation contemplated the award of a cost-plus-award-fee, indefinite delivery/indefinite quantity, level-of-effort contract to provide system engineering services, test/simulation facility support, software design and development, WSSA program office technical support, and flight test support for each of the assigned operational aircraft. These services include resolving software problems,

implementing enhancements and new capabilities, writing and testing software for on-board embedded computer systems, and test and integration of new or revised weapons and avionics systems.

Proposals were to be evaluated on the basis of cost and five management/technical factors: (1) management plans; (2) technical knowledge and technical management processes; (3) past performance risk assessment; (4) resumes of key personnel; and (5) technical processes. Cost was to be evaluated on the basis of realism, reflection of a clear understanding of the requirements, and consistency with the management/technical proposal. Overall, management/technical factors were of greater importance than cost. Award was to be made to the offeror whose proposal represented the best value to the government. The RFP provided that the Navy intended to award the contract on the basis of initial proposals, without discussions. The RFP advised offerors to submit initial proposals containing their best terms from a cost and technical standpoint.

Three offerors, including SRC and EER, submitted proposals. A source evaluation board performed a technical and cost realism evaluation of all three proposals. Proposals were rated as exceptional, satisfactory, marginal, or unsatisfactory, and of low, moderate, and high risk. The results were as follows:

Factors	SRC	EER	Offeror 3
Factor 1 (Risk)	Marginal (Moderate)	Exceptional (Low)	Satisfactory (Moderate)
Factor 2 (Risk)	Marginal (High)	Exceptional (Low)	Marginal (High)
Factor 3	Moderate	Low	Moderate
Factor 4 (Risk)	Unsatisfactory (High)	Exceptional (Low)	Unsatisfactory (High)
Factor 5 (Risk)	Satisfactory (Moderate)	Exceptional (Low)	Satisfactory (Moderate)
Evaluated Cost	\$88 million	\$105 million ¹	\$104 million

The source selection advisory council presented the evaluation findings to the source selection authority (SSA) and recommended award to EER as offering the

¹The source selection authority determined that \$98.8 million represented a more realistic cost for EER based upon a cap on EER's overhead rate and use of labor market value labor rates.

best value. The council's findings included the determination that only EER's proposal was acceptable as submitted. The council also found that even if the management plans and key personnel deficiencies of the other offerors were corrected, their lack of technical knowledge and related contract experience represented uncorrectable weaknesses. The council reasoned that the slight cost difference between EER and Offeror 3 was outweighed by EER's overall technical excellence. While SRC had a lower evaluated cost than EER, the council determined that SRC's significant management/technical weaknesses would result in the highest risks to the government in terms of quality and timeliness of products, potential cost overruns, and the need for significant government guidance to assure proper contract execution. The SSA agreed with the council and found that EER's superior understanding of the requirements, along with its comprehensive approach strategy and effective management, reasonably could be expected to result in higher quality service and product, and thus better performance and eventual savings. The Navy awarded EER the contract on October 13. After receiving a debriefing, SRC filed its initial protest. Subsequently, SRC filed two supplementary protests.

SRC protests the agency's evaluation of its proposal, specifically challenging the evaluation of its key personnel (factor 4). Where an evaluation is challenged, we will examine the evaluation to ensure that it was reasonable and consistent with the evaluation criteria and applicable statutes and regulations, since the relative merit of competing proposals is primarily a matter of administrative discretion. Information Sys. & Networks Corp., 69 Comp. Gen. 284 (1990), 90-1 CPD ¶ 203. Mere disagreement with an agency's evaluation does not itself render the evaluation unreasonable. Litton Sys., Inc., B-237596.3, Aug. 8, 1990, 90-2 CPD ¶ 115.

The RFP required offerors to submit resumes for each of six identified key personnel. Attachment 3 of the RFP detailed the experience and educational qualifications required for each of the key positions. Section L of the RFP provided that if the submitted resumes did not meet the minimum qualification requirements, the offeror would be considered technically unacceptable. Section M stated that resumes "shall meet the minimum requirements." In evaluating SRC's proposal, the evaluators determined that four of the six resumes submitted by SRC failed to establish that the personnel met the minimum educational and experience qualifications. The unsatisfactory resumes were those of SRC's proposed chief engineer, local organization manager, and the persons with overall responsibility for software development, and system engineering and weapons integration. Based on our review of the record we agree with the agency that the resumes found unsatisfactory do not contain sufficient information to establish the qualifications of the personnel proposed.

For example, the local organization manager (LOM), whose duties include being the senior supervisor of all contract personnel, was required to have at least 8 years of "recent experience managing programs similar in nature to the requirements of this

solicitation." The experience had to reflect the successful accomplishment of "increasingly complex and difficult technical and managerial efforts in Military Aircraft mission computer, avionics systems and software, and weapons systems integration." The academic qualifications included a bachelor's degree in a "field closely related to the WSSA support services of the solicitation." In the absence of such a degree, personnel could substitute "substantial managerial experience (a minimum of 10 years beyond the [other] experience requirement) in a contract operation similar in kind and size" to the statement of work.

The resume of SRC's LOM candidate showed bachelor's and master's degrees in fields unrelated to WSSA support services. The resume also listed 1962 attendance at a university Aerospace and Missile Safety School, adding parenthetically "now called M.S. Systems Management retroactively." The evaluators considered that "M.S." could stand for "missile safety" or "master of science." In the absence of any bachelor's degree earned before 1962, the evaluators concluded that this education did not represent a qualifying accredited technical degree. In reviewing the candidate's experience, the evaluators found that only 12 years out of 30 reflected documented, relevant experience. For example, the most recent 3 years of experience was as a marketing/business development consultant. The evaluators found that the next 12 years of experience at times included functions related to some degree to the RFP work, but concluded that it was questionable how much of it fit the requirements for experience managing programs similar in nature to the RFP or under contracts similar in kind and size to the statement of work. The years preceding this experience included 2 years technical management concerning weapons, but did not identify any efforts supporting military aircraft. Prior to that time, the candidate was a Navy aviator, but the resume identified no management experience. Since, in the absence of the appropriate degree the resume had to show 18 years of relevant experience, the evaluators found that 12 years of possibly qualifying experience failed to meet the requirement.

In its protest submissions, the protester explains that the LOM candidate had earned a completion certificate for a formerly unaccredited program, which should have been accepted as equivalent to a bachelor or master of science degree. In the alternative, SRC provides additional detail regarding the experience listed in the resume. For example, SRC notes that the candidate had 5 years of management assignments while in the Navy, including activities similar to the RFP requirements. Although SRC now asserts that its candidate has ample relevant experience, the evaluators properly considered only information presented in the proposal. Electronic Sys. USA, Inc., B-246110, Feb. 14, 1992, 92-1 CPD ¶ 190. It is the protester's responsibility to ensure that its proposal adequately sets forth the expertise of its proposed staff. The RFP advised all offerors that award would be made on initial proposals, without discussions, and that offerors should include their best terms. Since SRC did not provide sufficient information for this candidate in its proposal, we find that the agency reasonably concluded that the

LOM candidate was unsatisfactory. The Scientex Corp., B-238689, Jun. 29, 1990, 90-1 CPD ¶ 597.

We reach the same conclusion with regard to SRC's candidate for the position of software development department manager, the employee with overall responsibility for software development. This manager was required to have at least 8 years of experience at the chief engineer/scientist or senior engineer/scientist level, at least 3 of which "must have been in positions of responsible technical management of software development programs similar in nature" to the RFP requirements. This experience was also required to "reflect the successful accomplishment of increasingly complex and difficult technical efforts in Military Aircraft software development."

We have reviewed the resume of SRC's candidate for this position and note that the "summary" identifies experience with military aircraft software and indicates some management responsibilities, but it does not identify how long the candidate performed in a management capacity. Under "employment history," the resume shows 9 years of experience with the incumbent contractor as a senior scientist, but it does not identify any management responsibilities. The resume reflects an additional 9 years of experience including management responsibilities. However, the technical work concerned software for nuclear power plant simulators and various tasks (programming, verification, etc.) which did not include any connection with military aircraft software development. Based on this resume, the evaluators reasonably concluded that the candidate lacked the requisite 3 years of relevant management experience in software development efforts similar in nature to the RFP requirements.

As with the LOM candidate's resume, the protester has submitted additional explanatory information, including a statement from the candidate's supervisor detailing the candidate's more than 3 years of management experience with the incumbent contractor as a functional team leader. As before, since this information was not in the resume, submitted with the initial proposal, it cannot now be used to establish the acceptability of the candidate. Electronic Sys. USA, Inc., *supra*.

SRC also challenges the validity of other deficiencies identified at its debriefing, the agency's upward adjustment of certain of its costs, and the cost/technical tradeoff. It further alleges that giving EER additional evaluation credit for teaming with the incumbent contractor, while downgrading SRC's proposal for not proposing the incumbent, represented an undisclosed evaluation criterion. We will not consider these remaining issues since, under our Bid Protest Regulations, a party is not interested to maintain a protest if it would not be in line for award if the protest were sustained. Sections 21.0(a) and 21.1(a), 60 Fed. Reg. 40,737, 40,739-40,740 (to be codified at 4 C.F.R. §§ 21.0(a) and 21.1(a)); Peterson Constr. Co., B-256841, Aug. 3, 1994, 94-2 CPD ¶ 55. The RFP provided that proposals containing resumes

that did not meet the minimum qualification requirements would be considered technically unacceptable, and we have determined that the evaluators reasonably concluded that four of SRC's resumes were unsatisfactory. An unsatisfactory rating under this factor rendered SRC's proposal unacceptable for award.² While EER is the sole acceptable offeror, SRC has only challenged the "exceptional" rating of its proposal, not its acceptability. Thus, even if we were to sustain SRC's remaining protest grounds, EER's proposal would remain technically acceptable, and SRC's would remain unacceptable. Accordingly, SRC would not be in line for award, and we will not consider these additional issues on the merits.

The protest is denied.

Comptroller General
of the United States

²Notwithstanding the evaluators' finding that only EER's initial proposal was acceptable, they presented SRC's and the third offeror's proposals to the SSA for consideration in a cost/technical tradeoff. This does not change our conclusion. Since the agency was considering whether to award the contract on an initial proposal basis, we find reasonable the agency's decision to consider whether correction of deficiencies through discussions would be worthwhile. Here, the agency determined that even with correction of the other offerors' deficiencies, EER's proposal represented the best value. Accordingly, there was no need to conduct discussions and the agency properly awarded the contract to the only technically acceptable offeror.