



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: TESCO

File: B-271756

Date: June 24, 1996

H.B. Burton, Jr. for the protester.

Mary P. Farris for STTAR Corps, an intervenor.

Dennis J. Kelleher, Esq., Department of the Navy, for the agency.

Marie Penny Ahearn, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly considered protester's limited experience and past performance with instructional training on vessels covered by the solicitation where the stated technical evaluation factors reasonably encompassed such matters, and protester was asked to provide information regarding this experience and past performance during discussions.

DECISION

TESCO protests the award of a contract to STTAR Corps, Inc. (a/k/a Systems Technical Training and Research Corps, Inc.) under request for proposals (RFP) No. N62383-96-R-2000, issued by the Military Sealift Command (MSC), Department of the Navy to provide onboard training courses for equipment and systems on three classes of Navy ships--T-AFS, T-AO, and T-AE.¹ The protester argues that the Navy improperly downgraded its technical proposal using undisclosed evaluation criteria.

We deny the protest.

The award decision was to be made on a best value basis, with price and technical factors receiving equal weight. There were two technical criteria, of equal weight--(1) personnel/qualifications and experience and (2) past performance. The Navy received three offers, two of which--those from TESCO and STTAR--were determined to be in the competitive range after initial evaluation. Written and oral discussions were held and best and final offers (BAFO) requested.

¹All three classes are resupply ships; the T-AFS is for fuel, the T-AO is for spare parts and food, and the T-AE is for ammunition. The ships are operated by MSC using civil service mariners, who will form the student population for the courses.

STTAR's BAFO received an excellent composite technical score of 91.5 points, comprised of 45.5 personnel points and 46 past performance points.² STTAR was determined to have demonstrated a "thorough understanding" of the requirements and "extensive experience" with T-AFS, T-AO, and T-AE ship training, which led to a finding of no performance risk. In contrast, TESCO's proposal received a satisfactory technical composite score of 77 points, comprised of 39 personnel points and 38 past performance points. TESCO was determined to have a weakness in "[not] demonstrat[ing] training experience onboard T-AFS and T-AE ships," which resulted in a moderate performance risk rating. STTAR's total evaluated price was \$881,421, after being increased by a 10-percent small disadvantaged business concern preference factor, and TESCO's \$788,968.

In its best value analysis, the Navy weighed TESCO's lower price against STTAR's extensive training experience and history of performance with all three classes of ships under the solicitation (versus TESCO's limited training experience and past performance with only one of the relevant classes of ships); STTAR's satisfactory performance on the current contract for similar services; and STTAR's "no performance risk" rating, compared to TESCO's moderate risk rating. The agency determined that STTAR's technical advantages offset TESCO's lower price, noting STTAR's \$9,633 price per point compared to TESCO's price per point of \$10,246. The Navy concluded that STTAR's proposal offered the best value to the government and made award to the firm.

TESCO maintains that since the RFP did not expressly provide that training experience and past performance on the three classes of ships were required or would be evaluated, it was improper for the agency to downgrade its proposal, and to rate STTAR's proposal technically superior, based on TESCO's relative weakness in this area.

Where, as here, detailed technical proposals are sought and technical evaluation criteria are used to enable the agency to make comparative judgments about the relative merits of competing proposals, offerors are on notice that qualitative distinctions among the technical proposals will be made under the various evaluation factors. Fidelity Technologies Corp., B-258944, Feb. 22, 1995, 95-1 CPD ¶ 112; AWD Technologies, Inc., B-250081.2; B-250081.3, Feb. 1, 1993, 93-1 CPD ¶ 83. In making such distinctions, moreover, an agency properly may take into account specific, albeit not expressly identified, matters that are logically encompassed by or related to the stated evaluation criteria. Id.

²Scoring was accomplished by rating each technical criterion on a 0 to 100 percentage basis, with the ranges of excellent (90-100 percent), good (80-89 percent), satisfactory (70-79 percent), marginal (60-69 percent), or unsatisfactory (0-59 percent), and then multiplying by .5 to reach a point score.

The firms' training experience and past performance on the three ships under the RFP clearly were encompassed by the evaluation factors. First, given that the RFP is for training pertinent to the equipment and systems on those classes of ships, we think it would be only logical for offerors to assume that evaluation factors entitled "personnel/qualifications and experience" and "past performance" would extend to consideration of experience and performance on those ships. Further, the RFP did expressly provide that experience in technical instruction of civilian and military shipboard systems and equipment, technical knowledge of the operations and maintenance of equipment and systems of T-AFS, T-AO, and T-AE classes of ships, and teaching and training would be considered in the evaluation; experience on the ships is consistent with this emphasis on thorough knowledge of the ships. Finally, even if the RFP were not adequate to put offerors on notice of the agency's intent to consider experience and past performance on the ships, TESCO was specifically requested during discussions to provide information on training experience with and past performance on the T-AFS and T-AE classes of ships (the two classes of ships on which it lacked experience). Based on the RFP's requirements and evaluation criteria, as amplified during discussions, we conclude that TESCO was reasonably on notice that the evaluation would take into consideration specific training experience with and past performance on all three classes of ships. Therefore, the agency properly considered such experience and past performance in downgrading TESCO's proposal.³

TESCO complains that the evaluation of STTAR's past performance as excellent was inconsistent with the notation in the business clearance memorandum that STTAR had performed "satisfactorily" on the incumbent contract. However, the record shows that STTAR's excellent rating took into account other considerations, such as knowledge of customer requirements and expectations, schedule adherence, reasonable and cooperative behavior, and commitment to customer satisfaction.

The protest is denied.

Comptroller General
of the United States

³Similarly, the agency properly could assign higher scores to STTAR's proposal in these areas; it is not objectionable for an agency to rate a firm that has previously performed the exact work called for under the RFP, as here, higher than a firm with more general experience. See Counter Technology, Inc., B-260853, July 20, 1995, 95-2 CPD ¶ 39.